



DOCUMENTS COLLECTION
DO NOT TAKE FROM THIS

SHELVED IN LAW COLLEGE

WESTERN ILLINOIS UNIVERSITY LIBRARY



3 1711 00611 7829

ROY FUSSELL LEGAL REF.

LIBRARY

WESTERN ILLINOIS UNIV.

Digitized by the Internet Archive
in 2010 with funding from
CARLI: Consortium of Academic and Research Libraries in Illinois

39455-
17

PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-FIFTH GENERAL ASSEMBLY,

CONVENED JANUARY 7, 1867.

VOLUME III.

SPRINGFIELD:

BAKER, BAILHACHE & CO., PRINTERS.

1867.



TABLE OF CONTENTS.

SAFE DEPOSIT COMPANY :

	PAGE.
An act to incorporate a company for the safe-keeping and delivery of valuable packages and property by means of fire and burglar-proof safes and vaults.....	1

SAW-MILL :

An act to incorporate the J. L. Beirne Saw-Mill and Dock Company.....	4
---	---

SEMINARY :

An act to amend an act entitled "An act to incorporate the Monticello Female Seminary".....	5
---	---

SCHOOLS, ETC.:

An act to attach that part of range ten (10) west, which lies in the county of Iroquois, to range eleven (11) west, in said county, for school purposes.....	6
An act to divide the school fund and township of township number seven (7) north, range one (1) west, in McDonough county.....	6
An act to incorporate the Polo School District.....	7
An act to legalize the assessment of school directors of school district number 4, in Old Town township, in the county of McLean and state of Illinois.....	14
An act to legalize certain proceedings of the school trustees of township 16 north, range 9 east, in Bureau county, state of Illinois, and of a certain school district therein named.....	15
An act to incorporate the Princeton High School District.....	16
An act to change the boundaries of a certain school district therein named.....	22
An act to amend an act incorporating Marion School District, in Williamson county.....	23
An act to amend an act to incorporate the Rock Island School District, approved February 18, 1857, and the several acts amendatory thereto.....	23
An act to define a school district therein named.....	25
An act to unite so much of township twenty-one north, range two east of the fourth principal meridian, as lies in Rock Island county, with township twenty north, range two east of said meridian, in said county, for school purposes.....	25
An act to amend an act entitled "An act to incorporate the Kankakee School District," approved February 16, 1865.....	25
An act to amend an act entitled "An act to establish and regulate a system of public schools in the city of Bloomington," approved February 16, 1857.....	26
An act to authorize Union School District No. 5, in the town of Manteno, Kankakee county, to borrow money to build a school house.....	28
An act to establish the School District of Blandinsville, McDonough county.....	28
An act to incorporate the Augusta School District.....	29
An act in reference to the Reform School of the city of Chicago, state of Illinois.....	31
An act to attach certain lands therein named to school district number one, in township number eighteen north, range seven west, in Menard county.....	32
An act to incorporate the Heyworth School District.....	33
An act to create the Illiopolis School District.....	35
An act to provide for schools in township number eight north, of range eight (8) east, in Peoria county.....	36
An act to incorporate the Havana German School Association.....	37
An act to establish and maintain a system of public graded schools in the town of Olney.....	39
An act to establish and maintain a system of graded schools in the city of Olney.....	39
An act to legalize a certain tax levied by the school directors of school district number three, in township sixteen south, of range one west, and for other purposes.....	40
An act changing the Carthage School District.....	41
An act to confer school powers upon the township of Hanna, in the county of Henry.....	41
An act to appropriate surplus bounty funds in the town of Lemont, Cook county, for school purposes.....	42
An act to attach certain lands therein named to school district number six, in the town of Hallock, in Peoria county.....	43
An act to establish and form the Charleston Union School District.....	44

SCHOOLS, ETC.:

PAGE.

An act to divide the school funds of certain townships herein named.....	50
An act to incorporate the Chicago Sunday School Union.....	51
An act to incorporate the Davis Union School District.....	52
An act for the establishment of a system of graded schools in Nauvoo, Illinois.....	53
An act to amend an act entitled "An act to create a school district in the town of Decatur, Illinois, to be known as the Decatur School District".....	64
An act to dissolve Union School District number one, in the township of Palatine, Cook county.....	65
An act to incorporate Freeport School District.....	65
An act to establish the Greenbush School District, in Warren county, Illinois.....	73
An act to amend an act entitled "An act to incorporate the Lacon Union School District".....	77
An act to incorporate the Rock Island German and English School Society.....	77
An act to authorize the School Directors of District No. 1, T. 2 N., R. 2 E., Marion county, to purchase real estate.....	79

SKATING ASSOCIATIONS:

An act to incorporate the Washington Skating Association.....	79
An act to incorporate the Hyde Park Skating Company.....	80

SOLDIERS' HOME:

An act to incorporate the Soldiers' Home in the city of Chicago.....	81
--	----

SQUARE ASSOCIATION:

An act to incorporate the Vincennes Square Association.....	83
---	----

STEAMBOATS:

An act to incorporate the Evansville and Cairo Packet Company.....	84
An act to incorporate the St. Louis and Quincy Packet Company.....	86
An act to incorporate the Lake Michigan Steamboat Company.....	88

SHARPSHOOTERS:

An act to incorporate the Belleville Sharpshooters' Society, of the city of Belleville, in the county of St. Clair, and state of Illinois.....	90
An act to incorporate the Joliet Sharpshooters' Association.....	92
An act to incorporate the Alton Sharpshooters' Society, of Alton, Madison county, Illinois.....	93
An act to incorporate the Germania Sharpshooters' Society, of Breese, Clinton county, Illinois.....	94
An act to incorporate the Peru Sharpshooters' Association.....	95

STOCK YARDS:

An act to establish the Illinois and Mississippi Stock Yard Company.....	97
An act to authorize the Union Stock Yard and Transit Company of Chicago to increase its capital stock.....	100

STREETS, ALLEYS, ETC.:

An act to vacate Robinson street, in the town of Dunton, Cook county.....	100
An act to vacate certain alleys herein named.....	100
An act to vacate certain streets and alleys in the town of Camargo.....	101
An act to vacate certain alleys in Hawley's addition to the town of Carthage.....	101
An act to vacate certain streets and alleys therein named.....	102
An act to vacate certain parts of streets in the town of Winnebago, in the county of Winnebago.....	102
An act to vacate an alley therein named.....	102
An act to vacate certain useless streets and alleys in the Old Town of St. Clair.....	103
An act to provide for the construction of a sidewalk in the townships of Batavia and Geneva, in the county of Kane.....	104
An act to vacate certain streets in the town of Tuscola, and for other purposes.....	106
An act to vacate a portion of a certain street in the town of Upper Alton.....	106
An act to vacate a part of a certain street therein mentioned.....	106
An act to vacate certain streets and alleys in the town of Centerville, in the county of St. Clair.....	107
An act to vacate a certain alley in the town of Anna, Union county.....	107
An act to vacate part of River street, in Kankakee City.....	107
An act to vacate certain blocks, lots, streets and alleys in the town and city of Nauvoo, Hancock county, and also to vacate certain blocks, lots, streets and alleys in Commerce City, Hancock county.....	108

STREETS, ALLEYS, ETC.:

PAGE.

An act to vacate certain blocks, alleys, streets and lots in the town of Spring Bay.....	109
An act to vacate a certain alley in the town of Secor, in Woodford county, in the state of Illinois.....	109
An act to vacate a part of Court street, in Sleight's addition to the town of Naperville, in DuPage county.....	109
An act to vacate a certain alley in the town of Mt. Pulaski, in Logan county.....	110
An act to vacate certain streets in Trumbull's sub-division of the east half of the southwest quarter of section two, in township five (5) north, in range ten (10) west, of the third (3d) principal meridian, in Madison county, Illinois.....	110
An act to vacate a street in Cleaverville, Cook county.....	110
An act to vacate an alley in Arlington, Bureau county.....	111
An act to vacate a part of a certain street therein mentioned.....	111
An act to vacate certain streets, avenues and alleys of the town of Petersburg.....	111
An act relating to streets in East Quincy, in the county of Adams.....	112

TAXES:

An act to legalize a tax levied in school district number one, in township 19, range 8 east, in Champaign county, Illinois, and for other purposes.....	113
An act to authorize the county of Hamilton to levy a tax to build a fire-proof clerk's office.....	114
An act to authorize Pulaski county to borrow money.....	115
An act to legalize the war bonds issued by the board of supervisors of Fayette county, and to legalize all proceedings had in reference to the assessment, levying and collection of taxes to pay said bonds, and for extending the collection of taxes.....	115
An act to repeal an act entitled "An act to authorize the township of Fountain Green, in the county of Hancock and state of Illinois, to levy and collect a tax to pay volunteers in the military service of the United States, and for the relief of Jacob S. Ross, late collector of said Fountain Green township".....	116
An act to legalize and provide for the collection of certain taxes levied in the towns of DuPage and Wilton, in Will county, in the year 1864.....	117
An act to legalize a certain tax levied by the Board of Supervisors of Rock Island county.....	118
An act to authorize the county of Jersey to levy a special tax.....	118
An act to enable the town of Tampico and the town of Jordan, in the county of Whiteside, to levy and collect a bounty tax.....	119
An act to enable the county of Logan to levy a special tax to build a jail, erect bridges, and other improvements.....	120
An act to authorize the county of Cumberland to levy and collect a special tax for the purpose of building bridges in said county.....	120
An act to legalize a tax levied by the town of Kankakee for road and bridge purposes.....	120
An act to extend the time for the collection of taxes in Belvidere township, in Boone county.....	121
An act to enable the town of Mount Pulaski to levy a special tax for certain purposes therein named.....	121
An act to authorize the town of Padua, in the county of McLean, to levy a special tax to refund money furnished to pay bounties to volunteers.....	122
An act to authorize the towns in Cook county to levy a tax for road purposes.....	122
An act to authorize the board of school inspectors of the city of Peoria to levy a tax.....	123
An act to authorize the legal voters in the south half of township six north, range ten west, and the fractional part of township five north, range ten west, lying outside the city of Alton, of third principal meridian, in Madison county, Illinois, to levy a tax for the purpose of grading, macadamizing and improving certain roads.....	123
An act to enable the county of McDonough to levy and collect a tax to build a court house and jail.....	126
An act to enable the inhabitants of Dwight township, county of Livingston, to levy a tax for the purpose of experimenting for coal.....	126
An act to authorize the President and Trustees of the Town of Bushnell to levy and collect a tax in aid of the Toledo, Peoria and Warsaw Railroad.....	127
An act to repeal an act entitled "An act to enable the town of Fall Creek, in the county of Adams, to levy and collect a tax for a war fund, therein named," approved February 16, 1865, and to provide for the disposition of the remainder of said war fund.....	128
An act to legalize a certain tax in Boone county.....	128
An act to authorize the county of Madison to levy an additional tax for county purposes.....	129
An act in relation to surplus bounty tax in the town of Cicero, in Cook county.....	129

TEMPERANCE SOCIETY:

An act to incorporate the Father Matthew Total Abstinence Society of the city of Chicago.....	130
---	-----

TOWN INDEBTEDNESS:

An act to provide for the issuing of bonds by the town of Kewanee to aid in the establishment of a woolen mill therein, and for the payment of the same.....	132
An act to enable the several towns of McLean county to raise money for war purposes.....	134
An act to enable the town of Warren, in JoDaviess county, Illinois, to issue bonds for railroad purposes.....	134

TOWNS:

PAGE.

An act to amend an act entitled "An act incorporating the town of Girard," approved February 14, 1855	135
An act to provide for the payment of town orders in the town of Niles	141
An act to amend an act entitled "An act to incorporate the town of Marseilles"	142
An act to incorporate the town of Dement	142
An act to incorporate the town of Saybrook	148
An act to incorporate the town of Otterville	155
An act to incorporate the town of Sigel	158
An act to incorporate the town of Jefferson, in the county of Cook and state of Illinois	161
An act to amend an act entitled "An act to amend the charter of the town of Hennepin," published on pages 131-135 of laws 1852	167
An act to incorporate the town of Mackinaw	167
An act to amend an act entitled "An act to incorporate the town of Xenia," approved February 16, A. D. 1865	168
An act to amend the charter of the town of Crotty	177
An act to incorporate the town of Onarga, in Iroquois county	179
An act to amend an act entitled "An act to incorporate the town of DeKalb," approved February 21, 1861	192
An act to incorporate the town of Clement, Clinton county, Illinois	193
An act to vacate the public square in Post's addition to the town of Waynesville, in De Witt county, and for other purposes	201
An act to amend the charter of Freeburg, in St. Clair county	201
An act to extend the corporate powers of the town of Chatsworth	206
An act to amend an act entitled "An act to incorporate the town of Anna," approved February 16, 1865	215
An act to incorporate the town of Louisville	223
An act to incorporate the town of Lake, in the county of Cook and state of Illinois	228
An act to vacate a certain part of Holden's addition to the town of Frankfort, in Will county	234
An act to amend section three of article eight of "An act to incorporate the town of Paris," approved February 16, 1857	235
An act to incorporate the town of Gilman, Iroquois county, state of Illinois	235
An act to vacate a portion of the plat of the town of New Liberty	240
An act to incorporate the town of Keokuk Junction	240
An act to change the name of the town of Bourbonais, in Bureau county	247
An act to incorporate the town of Maroa, Macon county, state of Illinois	247
An act to vacate the town plat of the town of West Lockport, in Will county, state of Illinois	259
An act to incorporate the town of Minonk	259
An act to repeal certain portions of a local act entitled "An act to levy taxes upon the property in certain towns therein named, to liquidate the indebtedness for building a bridge across the Kankakee river at Aroma, in Kankakee county"	265
An act to change the name of the town of Wilson to Illiopolis	266
An act to incorporate the town of Shipman, Macoupin county	266
An act to incorporate the town of Atkinson, in Henry county	269
An act to amend an act entitled "An act to incorporate the town of Hillsboro, Montgomery county, Illinois"	275
An act to incorporate the town of Newark	276
An act to incorporate the town of Murrayville, Morgan county, Illinois	289
An act to incorporate the town of Geneva, Kane county, Illinois	294
An act to incorporate the town of Meredosia, Morgan county	303
An act to incorporate the town of Wenona	310
An act to incorporate the town of Normal	321
An act to vacate Robinson street, in the town of Dunton, Cook county	336
An act to change the name of the town of Jamestown, in Sangamon county, Illinois	336
An act to incorporate the town of Sparland	337
An act to reduce the several acts relating to the town of Hyde Park, in Cook county, into one act, defining the limits of said town, and the powers and duties of the officers thereof	344
An act to amend an act entitled "An act to incorporate the town of Ogle Station, in the county of Lee," approved February 16, 1865, and to change the name of said town to Ashton	354
An act to incorporate the town of Oconee, in Shelby county, Illinois	358
An act to incorporate the town of Kansas, in Edgar county, Illinois	365
An act the better to provide for the incorporation of the town of Waverly	371
An act to incorporate the town of Red Bud, in the county of Randolph and state of Illinois	376
An act to incorporate the town of Cicero, in the county of Cook and state of Illinois	385
An act to incorporate the town of Proviso, in the county of Cook and state of Illinois	391
An act to incorporate the town of Harvard	397
An act to incorporate the town of Greenfield, in Greene county	403
An act to divide the towns of Galesburg and West Galesburg	411
An act to incorporate the town of Elmwood, in Peoria county	412
An act to incorporate the town of Flora	421

TOWNS:

PAGE.

An act for the incorporation of the town of Carthage.....	429
An act to incorporate the town of Avon, in the county of Fulton.....	442
An act to incorporate the town of Nilwood, in the county of Macoupin.....	448
An act to amend the charter of the town of Collinsville, in Madison county.....	452
An act to extend the corporate powers of the town of Neponset.....	455
An act to amend an act entitled "An act to incorporate the town of Girard," approved February 14, 1855.....	467
An act to incorporate the town of Dawson.....	473
An act to incorporate the town of Marine, in the county of Madison and state of Illinois.....	479
An act to incorporate the town of Lamoille.....	485
An act to incorporate the town of Fairfield, in Wayne county.....	494
An act to incorporate the town of Brighton, in the counties of Macoupin and Jersey.....	503
An act to amend an act entitled "An act to incorporate the town of Virden," approved February 16, 1865.....	514
An act to amend the act entitled "An act to amend the charter of the town of Edwardsville, in Madison county".....	515
An act to incorporate the town of Lanark.....	515
An act to change the name of the town of Middleton, Marion county, Illinois, to that of Iuka, and incorporate the same.....	524
An act to incorporate the town of Carmi.....	530
An act to incorporate the town of Orangeville.....	536
An act to extend the corporate powers of the town of Lexington.....	542
An act to incorporate the town of Colechester, in McDonough county.....	552
An act to amend an act entitled "An act to incorporate the town of Petersburg," approved February 23, 1841.....	565
An act to incorporate the town of Galva, in Henry county.....	570
An act to change the name of Holidaysburg.....	585
An act to authorize the town of Edwardsville, in Madison county, to borrow money..	585
An act to incorporate the town of Secor, in the county of Woodford and state of Illinois.....	586
An act to amend an act entitled "An act to incorporate the town of Tiskilwa," approved February 16, 1857.....	588
An act to amend an act to incorporate the town of Sheffield, in Bureau county and state of Illinois, in force February 22, A. D. 1861.....	595
An act to provide for the payment of town orders for the town of Niles.....	596
An act to amend an act entitled "An act to incorporate the town of Wheaton, DuPage county, Illinois," approved February 13, 1865.....	597
An act to amend an act entitled "An act to incorporate the town of Tamaroa," approved February 17, A. D. 1859.....	598
An act to amend the charter of the town of Mason, Effingham county, Illinois.....	600
An act to amend an act entitled "An act to incorporate the town of Fieldon, Jersey county, Illinois," approved February 7, 1857.....	600
An act vacating the town of Bates, in the county of Sangamon.....	601
An act to change the name of the town of Athens, in St. Clair county.....	601
An act to amend an act entitled "An act to incorporate the town of Courtland," approved February 16, 1865.....	602
An act to incorporate the town of Nokomis, in Montgomery county, Illinois.....	602
An act to change the name of Whitfield, in LaSalle county and state of Illinois, and to extend the charter of Belvidere over the same.....	606
An act to change the name of the town of Sherman to that of Dupuy, and to extend the corporate powers thereof.....	607
An act to vacate a portion of the plat of Perry's addition to the town of Jerseyville, and, also, certain out-lots therein named.....	608
An act to amend an act entitled "An act to incorporate the town of Bunker Hill".....	608
An act to amend the charter of the town of Winchester.....	609
An act to amend an act entitled "An act to extend the corporate powers of the town of Princeton," approved February 18, 1857, and to amend the several acts amendatory thereof.....	610
An act to amend an act entitled "An act to incorporate the town of Columbus, Adams county," approved February 14, 1855.....	610
An act to incorporate the town of Industry.....	611
An act to amend an act entitled "An act to incorporate the town of Odin, in Marion county, state of Illinois," passed and approved February 28, 1865.....	615
An act to annex certain territory to town seven (7) north, two (2) east, of third (3d) meridian, in Fayette county.....	616
An act to incorporate the town of Mendon.....	617
An act to vacate part of a town plat.....	617
An act for the benefit of the town of McLeansboro.....	617
An act to incorporate the town of Panola, in the county of Woodford, in the state of Illinois.....	618
An act to vacate part of Charity Herrington's addition to the village of Geneva.....	619
An act to divide the town of Bloomington into voting districts.....	619
An act entitled "An act to revive and amend an act to incorporate the town of Upper Alton," approved February 15, 1865.....	620

TOWNS:

PAGE.

An act supplemental to an act entitled "An act to amend an act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village," approved February 18, 1857.....	621
An act to amend the charter of the town of Golconda.....	621
An act to change the name of the town of Goodale, in Lake county, to that of Grant....	622
An act to change the name of the town of Baden, in Clinton county, to that of New Baden.	622
An act to amend an act entitled "An act to incorporate the town of Augusta," approved February 24, 1859.....	623
An act to amend an act entitled "An act to amend the charter of the town of Henry," approved February 24, 1859.....	625
An act to amend an act entitled "An act to incorporate the town of Bath".....	626

TOWNSHIPS:

An act to repeal certain portions of a local act entitled "An act to levy taxes upon the property in certain towns therein named to liquidate the indebtedness for building a bridge across the Kankakee river at Aroma, in Kankakee county".....	627
An act to consolidate certain townships in Rock Island county, for school purposes....	627
An act relating to the war fund in the township of Buena Vista, in Schuyler county, Illinois.....	628
An act to provide for the resurvey of township twenty-five north, in range two east, of the third principal meridian.....	628
An act to establish the township of Erienna and the township of Norman, in the county of Grundy, as separate townships, for school purposes.....	631
An act to annex sections four and five, of township seventeen, range six, in the county of Bureau, to township eighteen, of the same range and county, for school purposes..	631
An act to attach part of township twenty-one (21) to township twenty-two, in McLean county, for school purposes.....	632
An act to attach all those portions of townships numbers twenty-nine (29) north of range numbers ten (10), eleven (11), twelve (12), thirteen (14) and fourteen (14) west of the 2d P. M., and of range number ten (10) east of the 3d P. M., which belong to the county of Iroquois, to Kankakee county, and make it a part of said last mentioned county....	632
An act providing a change in the townships of Lake county.....	635

TRANSPORTATION COMPANIES:

An act to incorporate the Chicago Stage and Baggage Company.....	636
An act to incorporate the Chicago Truck Company.....	637
An act to amend an act entitled "An act to incorporate the Mississippi and Illinois Transportation Company.....	639
An act entitled an act to incorporate the East St. Louis Transfer Company.....	640
An act to incorporate the City Baggage and Transfer Company.....	641
An act to incorporate the Grafton Stone and Transportation Company.....	643

TUG COMPANY:

An act to incorporate the Chicago Tug Company.....	644
--	-----

TURNER ASSOCIATIONS:

An act to incorporate the Pontiac Turnverein.....	645
An act to incorporate the German Turner Association of the city of Pekin, Illinois....	646
An act to incorporate Mascoutah Turnverein of the town of Mascoutah, St. Clair county, Illinois.....	647
An act to incorporate the Rock Island Turn Gemeinde.....	648
An act to incorporate the Peoria Turnverein of the city of Peoria, county of Peoria, state of Illinois.....	649
An act to incorporate the Springfield Turnverein Gymnastical Association at Springfield, Sangamon county, state of Illinois.....	650
An act to incorporate the Freeport Turnverein.....	651
An act to incorporate the East St. Louis Turnverein.....	652

TURNPIKES:

An act to amend an act entitled "An act to incorporate the Waterloo and Carondelet Turnpike, Road and Ferry Company," approved February 14, 1855, as amended....	653
An act to incorporate the Peoria and Kickapoo Turnpike Company.....	654
An act to incorporate a turnpike or macadamized road from Barry, in Pike county, to the Mississippi river via New Canton.....	657
An act to incorporate the trustees of the Peoria and Limestone Turnpike.....	660
An act to amend an act entitled "An act to incorporate the Illinois and Indiana Turnpike Company".....	664
An act to incorporate the Waterloo, Columbus and Mississippi Turnpike and Ferry Company.....	665

UNITARY HOMES:

An act to authorize the incorporation of Unitary Homes.....	669
---	-----

WAREHOUSES, ETC.:

An act to incorporate the East Saint Louis Elevator Warehouse Company.....	670
An act to incorporate the East Burlington Elevator and Stock Yard Company.....	674
An act to incorporate the Delta Elevator and Warehouse Company.....	676

WATER WORKS:

An act to amend an act entitled "An act to incorporate the Springfield Water Works Company," approved February 21, 1861	679
---	-----

WEIGHING AND MEASURING:

An act to incorporate the Chicago Weighing and Measuring Company.....	689
---	-----



PRIVATE LAWS.

SAFE DEPOSIT COMPANY.

AN ACT to incorporate a company for the safe-keeping and delivery of valuable packages and property by means of fire and burglar-proof safes and vaults. In force Feb'y 20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the subscribers to the capital stock hereinafter provided for, their associates, successors and assigns, and all future stockholders, be and are hereby created a body politic and corporate under the name and style of "The Safe Deposit Company, of Chicago;" and as such shall have perpetual succession, with power to contract and be contracted with, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against, in all courts and places whatsoever, and be recognized in all its rights and powers, without pleading the same, and enjoy all the rights, privileges and immunities, and do and execute all things necessary to carry into effect the objects of this act; may have a common seal, and alter, renew and modify the same, and make, ordain and publish such by-laws, rules and regulations, for the management of its affairs and business, as are not inconsistent with the constitutions and laws of the United States or the state of Illinois.

Corporators.
Style.
Powers in law.
By-laws.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and may be increased from time to time as shall be deemed necessary or desirable by the board of directors. Such stock shall be paid in in such installments and at such times as the board of directors shall require; and the by-laws shall provide for the forfeiture of all stock on which such installments shall not have been paid. Said company may organize and proceed to business when one-half of said stock shall have been subscribed, and twenty-five thousand dollars paid in, but not before.

Capital stock—
shares—install-
ments—forfeit-
ure of stock.

§ 3. Jesse Spalding, Charles H. Ham and Daniel Shepard, or a majority of them, are hereby authorized, as commissioners under this act, to open, or cause to be opened, books of subscription to the capital stock of said company, at such time and place, and such adjourned times and places

Commissioners.
Subscription.

as they or a majority of them shall think proper. After the amount of stock required by the preceding section shall have been subscribed, the said commissioners, or a majority of them, shall give notice for at least three days previous thereto, by publication in one or more newspapers, then published in the city of Chicago, to such subscribers, to meet at a time and place named therein, within the city of Chicago, and under the inspection of said commissioners, or a majority of them, choose a board of directors, of not less than five in number, in whom and their successors, all the powers of this corporation, not herein otherwise specially limited and provided against, shall become vested, and shall hold their office until the first Monday of December, next ensuing their election as aforesaid, and until their successors are chosen; and said company shall be considered as organized upon the election of such board of directors.

Three days' notice.

Board of directors.

Buildings, safes and vaults.

Terms.
Proviso.

§ 4. The corporation hereby created shall have power to erect or lease a building or buildings, or parts thereof, and construct and provide therein fire and burglar-proof vaults and safes, and lease the same, or the right to use the same or portions thereof, and to receive upon deposit or storage, for safe keeping, jewelry, plate, coin, stocks, bonds, merchandise, money, deeds, and other indentures, wills, warehouse receipts, bills of lading, railroad and transportation certificates, evidences of debt, and valuable personal property, and evidences or representatives of property of all kinds, and take the management, custody and control of the same; and may give receipts, certificates, or memoranda, and give security, or make advances on or for the same, upon terms to be provided and prescribed in the by-laws, or as may be agreed upon: *Provided*, that said company shall within two years after the passage hereof erect a substantial fire-proof building in the city of Chicago, and construct therein, fire and burglar-proof vaults, in which to store and keep the property which may be stored or deposited with said company for safe-keeping.

By-laws—certificates.

Disputed ownership.

Bond.

§ 5. The by-laws shall provide for the manner, and terms, and conditions, of leaving or depositing and delivery of such aforementioned property; but in case of disputed ownership, all receipts, certificates or other evidences of the deposit of property, issued by the said company, shall be deemed in the hands of the holder thereof, as absolute title to the said property, both in law and equity, as against and so far as said company is concerned; but in all cases where notice of such disputed ownership is served upon said company by its president or secretary, before the delivery of such property, the said company may require of either claimant, before delivery, satisfactory bond, in double the value of the property to be given, for the use of whoever may establish his right and title to such property.

Said by-laws shall further provide for the election of a president, vice president, secretary, and such other officers and agents as may be necessary in the business of said company, and the duties of each ; for the repeal, amendment or modification of existing by-laws, and for the creation of new ones ; for the times, places and manner of election of directors, except as herein limited, and generally for anything necessary and desirable to the safe, economical and advantageous conducting of the business and affairs of said company.

Officers—duties

Elections.

§ 6. The corporate powers of said corporation shall be exercised by a board of not less than five nor more than fifteen directors, who shall be chosen by ballot ; every stockholder being entitled to one vote for each share of stock held by him, and standing in his name, on the books of said company at the time of such election, but no person shall be considered as elected director, unless he shall have received a majority of the votes, in shares, cast at such election ; and in case two or more persons shall receive an equal number of votes, in shares, cast at such election, and neither be elected, then those directors who shall have been elected, shall determine by ballot, each director casting one vote, who shall fill such vacancy or vacancies ; but no person shall be eligible as director who is not a stockholder to the amount of ten shares. Said board of directors shall provide and adopt the by-laws herein required. The first board of directors chosen as herebefore prescribed, shall consist of five persons, who may at any time thereafter increase their number to not exceeding fifteen persons, and shall, in the by-laws, fix the number of directors to be voted for at the next election, and until otherwise provided by by-laws duly created.

Number of directors.

Tie vote.

Qualification of.
By-laws.First board to
consist of five.

§ 7. It shall be lawful for said company to acquire, receive, hold, possess and enjoy property, effects and hereditaments, real and personal, by gift, grant, devise, bequest, purchase, lease, mortgage, assignment, or other manner, known to the law, and may dispose of the same as may be deemed advisable by the board of directors ; as well as all such real and personal property, rights or choses in action, as may be necessary or advisable to acquire, in the enforcement, settlement, collection or securing of any claim, right or demand arising out of its business transactions. And in all actions, suits or causes brought by or against said company, the president, secretary or other officer or agent of said company, shall be a competent witness, notwithstanding his interest as a stockholder.

Real property.

Suits—actions.

§ 8. It shall be the duty of said company to use all reasonable care and diligence in the keeping of all property deposited or left with them ; and said company shall have a first lien on all such property to the extent of all charges and advances thereon ; and, in cases where such property is liable to depreciation, may, upon notice to the party from

Lien on property
—notice—sale.

whom the same was received, sell or dispose of the same by public or private sale, and out of the proceeds from such sale retain such charges or advances, together with the costs and expenses of such notice and sale.

§ 9. In all grants, mortgages, releases, conveyances or other transfers of real or personal property, the signature of the president or vice president and secretary, attested, under the seal of the company, shall be good and valid in law and equity.

Stock—transfer

§ 10. The stock of said company shall be regarded as personal property, and assignable and transferable only on the books of the company, according to provisions to be contained in the by-laws. Said company shall, however, have a first lien on said stock for any unpaid assessment thereon, or any indebtedness owing to said company from the person in whose name the same stands on the books of said company.

First lien.

§ 11. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 20, 1867.

In force Feb'y
20, 1867.

AN ACT to incorporate the J. L. Beirne Saw Mill and Dock Company.

Corporators.

Style.

Business.

Powers in law.

Capital stock—
shares, etc.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. L. Beirne, J. Darby, L. H. Westlake, Wm. H. Allen and Henry Eastman, and such others as may associate with them for the purposes specified in this act, be, and they are hereby, constituted a body corporate, by the name of "The J. L. Beirne Saw Mill and Dock Company," for the purpose manufacturing and dealing in lumber and erecting docks of or ways for building and repairing boats and vessels, at Grafton, in the county of Jersey, and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever; may have a common seal and alter the same at pleasure, may purchase and hold real estate for the uses and purposes of said incorporation, and sell and convey the same at pleasure.*

§ 2. The capital stock of said company shall be fifty thousand dollars, in shares of five hundred dollars each, to be subscribed for; and the said capital may be increased to one hundred thousand dollars, at the pleasure of said company; and as soon as one-half of the capital stock is subscribed the stockholders may choose directors, and transact and conduct the business for which this incorporation is granted.

§ 3. The before-named incorporators, or a majority of them, may open books for subscriptions and conduct the same by giving due notice until one-half the capital stock shall be subscribed; then the stockholders may elect directors and officers who shall have power and authority to make all needful rules, regulations and by-laws for the management and control of the business contemplated by this act; and also for the purpose of carrying into effect all the powers and privileges granted to said company by this act: *Provided*, such rules, regulations and by-laws are not inconsistent with the constitution or laws of this state.

Books of subscription.

Directors and officers.

Proviso

§ 4. This act to take effect from and after its passage.

APPROVED February 20, 1867.

AN ACT to amend an act entitled "An act to incorporate the Monticello Female Seminary." In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the act entitled "An act to incorporate the Monticello Female Seminary," approved February 23, 1843, be, and the same is hereby, amended, as follows, to-wit: That no gambling establishment, liquor or beer saloon, or any place of any kind for the sale of malt or spirituous liquors as a beverage, shall be allowed within the distance of one and one-half miles from the seminary buildings at Monticello, Madison county.

Act approved Feb'y 23, 1843, amended.

§ 2. Any person who shall open, or keep, or be in any way connected with such establishments within the limits hereby provided, shall be liable to action before a justice's court, upon complaint of any two members of the board of trustees of said college; and upon conviction shall be fined twenty-five dollars for the first offense, with costs of suit; and for every subsequent offense fifty dollars and costs; and upon failure to pay such fine shall be imprisoned in the county jail for any term not less than ten days, nor more than ninety days, at the discretion of the court; said fines when collected to be paid over to the treasurer of the seminary, to be used for the current expenses of the seminary.

Fines and penalties—disposition of.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1867.

In force Feb'y 13, 1867. AN ACT to attach that part of range ten (10) west, which lies in the county of Iroquois, to range eleven (11) west, in said county, for school purposes.

Preamble. WHEREAS range ten (10) west, in the county of Iroquois, is a fractional range not over one mile in width; and whereas, it is impracticable and inconvenient and expensive to levy taxes and conduct schools in said range; therefore,

Attachment. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that portion of range ten (10) west, lying in the county of Iroquois, be, and the same is hereby, attached to range eleven (11) west, in said county, for school purposes.

§ 2. This act shall be a public act, and take effect from and after its passage.

APPROVED February 13, 1867.

In force Feb'y 13, 1867. AN ACT to divide the school fund and township of township number seven (7) north, range one (1) west, in McDonough county.

Name and style SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the south half of township number seven (7) north, in range one (1) west, in McDonough county, being the south half of the town of Prairie City, in said county, shall constitute a township for school purposes, and shall be known and styled Bushnell; and the north half of said township shall constitute a township for school purposes, and shall be known and styled Prairie City; and the public school fund of said original township be equally divided by the present board of school trustees of said township; and that upon the organization of the boards of school trustees of the above created townships, they shall cause the fund so divided to be paid by the present treasurer to the treasurers of said new boards respectively.

Division of school funds. Election for school trustees § 2. The first election for school trustees shall be held at the annual town meetings next to be holden in said townships, and shall organize within ten days thereafter, in the manner provided by the school laws; and the elections thereafter shall be held as provided by the school laws.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT to incorporate the Polo School District.

In force Feb'y
14, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory within the limits of what is now known as the corporation of the town of Polo, in the county of Ogle, is hereby constituted a school district, to be known as the Polo School District. Name.

§ 2. The government of said school district for school purposes shall be vested in a board of three persons, to be styled "The Board of Education of Polo School District," and W. W. Burns, M. D. Swift and A. M. Hitt, the present school directors of school district number two, (No. 2), town (23) twenty-three north of range (8), east of the (4) fourth principal meridian, in said Ogle county, shall constitute the first board of education of said Polo school district, and shall hold their offices from and after the passage of this act, and for one, two and three years respectively from the first Tuesday in June, eighteen hundred and sixty-seven, and until their successors are elected and qualified. Board of education.

At the first meeting of said board after the passage of this act, it shall be determined by lot which of said three members shall hold his office for one year from said first Tuesday in June, eighteen hundred and sixty-seven, which of said three members shall hold his office for two years from said first Tuesday in June, eighteen hundred and sixty-seven, and which of said three members shall hold his office for three years from said first Tuesday in June, eighteen hundred and sixty-seven. First board.

§ 3. There shall be elected by the qualified voters of said district, on the first Tuesday in June, eighteen hundred and sixty-eight, and annually thereafter, one member of said board, who shall hold his office for three years, and until his successor is elected and qualified. The meeting for said election shall be notified by the clerk of said board by giving at least ten days' notice of the time and place of said election, by publishing a notice in a newspaper of said town of Polo; and the poll books shall be opened and kept, the votes canvassed and returns made, and all other proceedings had in the same manner as in elections of president and trustees of the town of Polo. In case of a tie in any election, the same shall be decided by lot by the judges of election on the day of election. As soon as practicable after this act shall become a law, and after each annual election thereafter, the said board of education shall appoint some legal voter of said Polo school district an alternate member thereof, and in case of a vacancy in said board, or of the absence of a regular member from the district, said alternate shall have all the powers and perform all the duties of a regular member during said absence or until said va- Term of office.

Elections of

Alternates.

Vacancy.	cancy is filled, which said vacancy shall be filled at the next annual election after such vacancy shall occur. The members of said board shall severally take an oath to discharge the duties of their office to the best of their knowledge and ability.
Name and style	§ 4. The said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of Polo School District," and may have a common seal and change the same at pleasure, and as such may contract and be contracted with, sue and be sued, plead and be impleaded, in and before any tribunal having competent jurisdiction.
Meetings.	§ 5. It shall be the duty of said board to hold quarterly sessions on the first Tuesday of June, September, December and March of each year, and they may meet by adjournment at such other times as they may think proper, and the president of the board or any two members thereof may call a special meeting of the board, by giving a verbal notice of the time and place and object thereof, or leaving a written notice thereof at the residence of all the other members of the board; and at all the meetings a majority of the board shall be a quorum to transact business. Said board shall organize by appointing one of their number president. They shall elect a clerk, who may be a member of the board, and a treasurer, who shall not be a member of the board, who shall hold their respective offices during the pleasure of the board, and until their successors shall be elected and qualified. It shall be the duty of the president, when present, to preside at all meetings of the board, and
President.	it shall be the duty of the clerk to be present at said meetings, and to record in a book to be provided for that purpose, all the official proceedings of said board, which record shall be public and open to the inspection of any person interested; and all said proceedings, when recorded, shall be signed by the president and clerk, and a copy thereof, certified by the clerk, shall be <i>prima facie</i> evidence of such proceedings in courts and other places. If the president or clerk be absent, the board may appoint a president or clerk
Clerk—duty of.	<i>pro tem</i> . The treasurer shall execute to said board an official bond, with good and sufficient securities, such bond to be approved by the board, in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that will at one time be in his hands, and conditioned for the performance of his duties as treasurer, and especially faithfully to keep and from time to time pay over all moneys that he shall receive as such treasurer, as he shall be directed by order of the board, or required by law to do. He shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out by him, for what purpose and upon what and whose account; but he shall pay out no money
Officers, problem	
Treasurer	
Duties of.	

except upon order of the board. For all moneys paid out he shall take and file with the papers of his office proper vouchers, and he shall settle his accounts with the board at least once in each year, and oftener if the board shall so require.

§ 6. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties; but for extraordinary services reasonable compensation may be allowed, the board to determine what are extraordinary services, and the compensation therefor. The secretary and treasurer shall receive such compensation as the board may prescribe.

Compensation of board.

§ 7. The treasurer shall, under direction of the board, demand and receive of the officer or officers having the custody thereof, any interest or other money, from any school fund or any other source to which the Polo school district, or any part thereof, or the schools or the teachers therein, would be entitled if this act had not been passed; and the money so received from such funds or sources, shall be placed in the treasury, to be used and expended under the order and direction of the board for the support of schools and for school purposes, in the same manner as other funds that shall come into the treasury by taxation or otherwise.

Receipt of interest and moneys — disposition of.

§ 8. Said board of education, so far as applicable to the above mentioned territory as constituting said Polo school district, and any additions to said district which may hereafter be made, shall be the legal successors of the trustees of schools of said township twenty-three (23) north, of range eight (8) east of the fourth (4th) principal meridian, in Ogle county, and shall have the entire and exclusive control of all school funds of said Polo school district, or any part thereof, whether consisting of the portion of the school or township funds belonging and to belong to said district, or any part thereof, or derived from taxation or loans or otherwise, to be used by them as provided in this act, and they may receive any gift, grant, donation, devise, bequest, or legacy, made for the use of any school or schools, or library, or other school purposes, within their jurisdiction, and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all lands, lots, school houses, school libraries, apparatus and other property belonging or appertaining to the common schools of the district, or any of them, or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interest of schools or the cause of education, and not inconsistent with the provisions of this act; and when in their opinion it may be for the interest of said district, to sell any lot or tract of land or building belonging to said district, or any part thereof, said board may sell and convey the same in the name of the

Legal successors of trustees of schools.

Control of funds

Donations, etc

Title, care, etc., of property.

Additional powers of board.

board, and such conveyance, as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk of the board of education of Polo school district, and the money of all sales and assignments shall be paid to the treasurer of said board for the benefit of schools; and all conveyances of real and personal estate and assignments of choses in action which are made to said board, shall be made to said board in its corporate name, and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools, and such real estate as may be purchased under any sale upon execution or decree in favor of said board, or in satisfaction of any debt due the said board, and at any time thereafter may sell and convey the same.

Indebtedness.

§ 9. For the purpose of erecting school houses, purchasing school house sites, or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor, in sums of not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board in the name of the board: *Provided*, that the bonds issued by said board and outstanding, shall not at any time exceed five per centum of the assessed value of the real and personal property of said district.

§ 10. Said board may also, at any time when they may deem it necessary, borrow any sum or sums of money, for a time not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum, to be expended for general school purposes: *Provided*, that the total amount of money so borrowed and unpaid shall not at any time exceed three per centum of the assessed value of the real and personal property of said district; and for the payment of the moneys so borrowed, the proceeds of the taxes first paid into the treasury thereafter, and not specially appropriated by law, are hereby specifically pledged and shall be applied in payment of the sums so borrowed, in preference to any other debts.

Judgments.

§ 11. If any judgment shall be obtained against said board, the party entitled to the benefit of such judgment may have execution therefor as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace or other court, to issue thence a writ commanding the board of education and treasurer of said district, to cause the amount thereof, with ten per cent. interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated of said district, and if there be no such moneys, out of the first moneys that shall be received for

the use of said district, and to enforce obedience to such writ by attachment or by *mandamus*, requiring said board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payment of a judgment, shall be served either on the president or clerk of said board. Mandamus.

§ 12. Said board shall, on or before the first day of August in each year, cause to be raised by taxation for school purposes, including the payment of any debts due, or during the ensuing year to become due, from said district, such an amount as they shall estimate will, together with available means accruing from other sources, be required for school purposes in said district for the ensuing year, and shall determine, as nearly as practicable, what rate per cent., not to exceed three per cent. unless the debts to be paid require it, on all the taxable property of said district, must be levied to raise the amount so estimated, and shall make an order therefor, and the clerk shall enter the same upon the records of the board. It shall be the duty of the clerk of said board to make out a certified copy of said order, signed by the president of the board and attested by the clerk, and within ten days from the passage of said order, present the same to the clerk of the board of supervisors of Ogle county. The tax so levied by the said board of education shall be assessed and collected in the same manner, and at the same time, and by the same officers, that state taxes are assessed and collected within the limits of said district, and the proceeds paid to the treasurer of said board of education, after deducting therefrom one-half the per centage allowed for assessing and collecting state taxes. Taxation.

§ 13. The said board of education shall transact all business which may be necessary in relation to common schools in said district. Schools.

First.—They shall establish a sufficient number of common schools for the education of every person residing in said district over the age of five years and under the age of twenty-one years, and shall make the necessary provisions for continuing said schools in operation at least nine months in every year. Number of schools.

Second.—They shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased, or rented for school houses, and shall supply the same with fuel, furniture and apparatus, and may cause said buildings and other property to be insured, and shall make all other provisions relative to schools which they may deem proper. Grounds and buildings.

Third.—They shall exercise general supervision over the common schools of the district, and shall, by one or more of their number, or by their agent or agents, visit each one of said common schools at least once a month while they are in operation. General supervision.

Teachers, etc.	<i>Fourth.</i> —They shall appoint all the teachers of said common schools, establish rules respecting their qualifications, and how the same shall be determined, fix the amount of salary or compensation of each teacher, and may dismiss any teacher at any time.
Learning.	<i>Fifth.</i> —They may direct what branches of learning shall be taught, and what books shall be used in each school.
Grades.	<i>Sixth.</i> —They shall have power to establish schools of different grades, and the rules and regulations for the admission of pupils into the same, having regard to the qualifications of the pupils; and they may suspend or expel from the schools, any pupil found guilty, on a full examination and hearing, of refractory or incorrigibly bad conduct.
Districts.	<i>Seventh.</i> —They may lay off and divide said Polo school district into local districts, and from time to time alter the same, or create new ones, as circumstances may require.
Directors.	<i>Eighth.</i> —They may appoint a board of three persons in each local district, to be denominated district directors, and prescribe, by established rules and regulations, the powers and duties of such directors, and remove them at their pleasure.
Officers, agents, etc.	<i>Ninth.</i> —They may appoint such other officers, committees or agents as they shall deem best and most conducive to the well being of schools and of school education in said Polo school district.
General powers, rights, etc.	<i>Tenth.</i> —And generally, they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and the school funds, with the power to make all such rules, orders and ordinances as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instruction and common schools in said district.
Teachers' duties	§ 14. The several teachers of said public schools shall keep schedules of the pupils attending the schools, as is now required or may hereafter be required of teachers of schools by law; and the said board of education shall make return and report to the state superintendent of public schools, or other proper officer, on all such matters and things as are or shall be required by law, and the direction of such superintendent or other proper officer, of any county or township officers, and shall make such other reports as persons having the control of public schools, are or may be required to make by virtue of any law of this state.
Statement of condition.	§ 15. Said board shall, at the end of each year of their term of office, cause to be prepared and published in one or more of the newspapers published in the town of Polo, a statement exhibiting the condition of schools for the preceding year, which statement shall be substantially as follows, viz:
	<i>First.</i> —The whole number of schools which have been taught in said year.

Second.—What number of teachers have been employed in each school, stating the name of each teacher, the time employed, and the compensation paid.

Third.—The whole number of scholars in all the schools, giving the number of males and females in each school separately, and the average number in attendance.

Fourth.—The amount of all the funds received into the treasury during the year, and the sources from whence it was received, stating the amount received from each source.

Fifth.—The amount paid out, stating in every case for what, and to whom, paid.

Sixth.—The amount and kind of unexpended funds on hand at the end of the year.

Seventh.—A statement of the total amount received, and the total amount paid out, for school purposes during the year.

§ 16. Any member of said board who shall appropriate to his own use any of the funds that may come into his hands, or under his control, belonging to said district, for school purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the county jail not exceeding one year. Unlawful use of funds.

§ 17. All of the territory which, at the time of the passage of this act, is embraced in what is called or known as the corporate limits of the town of Polo, and all of the territory now included in the present school districts numbers two and nine, in said township (23) twenty-three north, of range eight (8) east, of the (4th) fourth principal meridian, shall be included in and constitute a part of said Polo school district; and any tract or tracts of land adjoining said district may be annexed to it on condition that three-fourths of the legal voters residing within the limits of such tract or tracts, shall petition the board of education to be annexed to said district, and that their petition shall be granted by the unanimous vote of all the members of said board. Whenever any territory shall be so annexed to and become a part of said district, all the provisions of this act shall be applicable to it in the same manner as they would have been if it had been embraced within the district at the time of the passage of this act. Included territories.

§ 18. The provisions of section (16) sixteen of this act shall be held to apply to the clerk, treasurer, or any other officer or agent elected or appointed in pursuance of this act. Application of section 16.

§ 19. Any officer whose duty it shall be to collect the taxes levied by or payable to said board of education, shall, on the last Saturday of each month, pay to the treasurer of said board so much of said taxes, after deducting his percentage, as he has collected, and not paid previous to that time, and for failure to make payments as herein required, Tax collector.

he shall forfeit to said board, for school purposes, his per centage for collecting the taxes, and two per cent. a month on the amount so retained from the time it was due until it is paid.

Assessments—
omission of.

§ 20. If there is an omission in any year to legally assess the school tax levied by said board of education upon any real estate or personal property, within the limits of said district, and subject to taxation, the taxes thus omitted to be legally assessed shall be added to the assessment upon the property the following year, and collected and paid into the treasury of said board.

Purchase build-
ings.

§ 21. The said board of education are hereby authorized and empowered to select and purchase a site and erect a school building thereon, at a cost not to exceed sixteen thousand dollars, and said board of education may borrow money for said building purposes, in accordance with the provisions of this act.

Conflicting acts
repealed.

§ 22. All prior acts or parts of acts inconsistent with the provisions of this act, are hereby repealed; and any act of the general assembly now in force, or hereafter enacted, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

§ 23. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED February 14, 1867.

AN ACT to legalize the assessment of school directors of school district No. 4, in Old Town township, in the county of McLean, and state of Illinois.

Preamble.

WHEREAS, the school directors of school district No. 4, in Old Town township, in the county of McLean, and state of Illinois, did levy a tax, according to law, of seventy-five cents on each one hundred dollars of all the taxable property in said district, for the purpose of repairing school house and paying teachers' wages, and extending the term of a common school for six months, as by law now required; and, whereas, by mistake, the proper returns were not made to the county clerk in time to have the same legally extended on the collector's book; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the assessment and levy of a tax made by the directors of school district No. 4, in Old Town township, in McLean county, for the year one thousand eight hundred and sixty-six, of seventy-five cents on each one hundred dollars of all*

Assessments of
1866 legal and
valid.

the taxable property in said district, for school purposes therein, be and the same is hereby made and declared valid in law, and the county clerk of said McLean county is hereby authorized and required to extend the same immediately on the collector's book of the said Old Town township, to be collected and paid over as though no error had been made by said directors.

Immediate ex-
tension.

§ 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED ———, 1867.

AN ACT to legalize certain proceedings of the school trustees of township 16 north, range 9 east, in Bureau county, state of Illinois, and of a certain school district therein.

In force Jan'y
29, 1867.

WHEREAS, doubts exist whether the proceedings of the school trustees of township 16 north, range 9 east, in the county of Bureau, and state of Illinois, in forming said township into a district for high school purposes, are strictly regular and valid; and, whereas, said district has been organized for the purposes aforesaid, contracts have been entered into for the building of a high school in said district, and the directors thereof have levied taxes for the year 1866, for the purpose of complying with such contracts, in accordance with the expressed wishes of the taxable inhabitants of said district; and, whereas, a valuable school building has been erected therein for said high school purposes.

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts and proceedings of the school trustees of township sixteen north, range nine east, in the county of Bureau, and state of Illinois, in forming said township into a district for high school purposes, and all the acts and proceedings of the directors of said high school district in contracting for the building of a high school in said district, purchasing a site therefor, and in levying and causing taxes to be extended upon the books of the collector of said township for the year 1866; and in organizing, said high school district, be and the same are hereby legalized, and that all proceedings may be had in the same manner as if the said above mentioned acts had been strictly regular and valid.

Acts legalized.

§ 2. All contracts or bonds heretofore entered into or issued by said directors, or that may be hereafter entered into, issued or confirmed and ratified by the successors in office of said directors, for the purpose of building said high school, purchasing a site therefor, and of paying any indebtedness contracted or arising therefrom, be and the

Contracts valid.

same are hereby legalized and confirmed, and shall be enforced against said high school district, or its successor, Princeton high school district, according to the terms and conditions of such contracts or bonds.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED January 29, 1867.

In force Feb'y
5, 1867.

AN ACT to incorporate the Princeton High School District.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all the territory now included within the boundaries of the township of Princeton, in the county of Bureau and state of Illinois, together with such territory as may be hereafter added thereto, be and is hereby established a common high school district, to be known as the "Princeton High School District."*

Designation.

Board of education.

§ 2. The government, care and superintendence of the public high schools within said district, and of the funds and estate, both real and personal, belonging to, and which may be hereafter acquired by or conveyed to said district, shall be vested in a board of education of said high school district.

First board.

§ 3. The following named persons, to-wit: John H. Bryant, Flavel Bascom, Jacob Chritzman, Mathew Trimble and George O. Ide, shall compose the first board of education of said high school district, until their successors are duly elected and qualified as hereinafter provided. It shall be the duty of said persons or a majority of them, to assemble within sixty days after the passage of this act, at the court house in said Bureau county, and organize as such board of education by electing one of their number president, and one as clerk of said board. They shall appoint a treasurer of said high school district, and shall have all the powers, and be governed in all other respects by the provisions of this act, so far as the same may be applicable. The said persons, or a majority of them, shall have power to fill vacancies in their number occasioned by declination, disqualification, resignation, death, or removal from said high school district.

Organization.

Officers.

Term of office.

§ 4. The persons composing said board of education, provided for in the third section of this act, shall hold their office as follows: two of them until the first Tuesday of June, 1868, two until the first Tuesday of June, 1869, and the fifth until the first Tuesday of June, 1870. The respective terms of office of the members of said board ap-

pointed and provided for as aforesaid, shall be determined by them at their first meeting by casting lots.

§ 5. On the first Tuesday of June, 1868, and on the first Tuesday of June annually thereafter, an election shall be held to elect successors to those members whose terms of office are then expiring, and to fill all vacancies, if any, occurring in said board, during the preceding year. The persons elected at such annual elections shall hold their offices for three years, or until the expiration of the unfinished terms which they have been elected to fill, as the case may be. Elections.

§ 6. The said board of education, or the remaining members thereof, shall have power to fill, until the ensuing annual election in said high school district, all vacancies in said board occasioned by death, resignation, disqualification, failure to elect, or removal from said district, and to fill by appointment, vacancies among the officers of said board occasioned by any of the causes aforesaid. The members of said board, and the treasurer appointed by them, shall, previous to entering upon their official duties, take an oath, in addition to those prescribed by the constitution of this state, faithfully and impartially to discharge the duties of their respective offices to the best of their abilities. Powers of board

§ 7. Notice of such annual elections shall be given by the clerk of said board by posting written or printed notices of the time, places and objects of such elections in three of the most public places in said district, at least ten days before such elections are held, and also by publishing a similar notice in some newspaper published in said district, by one insertion at least one week previous to the day of election. Said elections shall be held at the usual place for holding general elections in said township, and shall be by ballot. The president of said board, and two members thereof, to be selected by said board, shall be judges, and the clerk of said board clerk of such elections; but if any of said officers shall fail to attend, or refuse to act, the electors assembled shall, *viva voce*, choose three judges and a clerk of the election. A poll book shall be kept by the clerk, registering the names of the voters, and the persons receiving the highest number of votes shall be declared elected. In case of a tie in any election, the judges of election shall decide the same by casting lots on the day of election. Elections shall be opened at the hour of ten o'clock A. M., and closed at the hour of five o'clock P. M. The judges and clerk shall certify to the board of education the names of the persons so elected members of said board, the term for which they were elected, and the number of votes each person voted for received, and shall return their certificate and said poll book to the said board within ten days after such election. Notice of election.

Name, powers
and privileges.

§ 8. Said board of education is hereby created a body corporate and politic, by the name of the "Board of Education of the Princeton High School District," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, contract and be contracted with, and have perpetual succession and a common seal, and the same may alter or change at pleasure. Said board may exercise, in the furtherance of the objects contemplated by this act, all the powers conferred on school trustees of townships or boards of directors of school districts, by any law now in force, or that may be hereafter enacted. Said board shall have power to receive and hold, in their said corporate name, all real and personal property that may be conveyed, given or devised to it for said district, and in the said corporate name to dispose of and convey the same, for the benefit of said district. All conveyances of real estate made by said board shall be executed and acknowledged by the president of said board, and attested by the corporate seal and by the signature of the clerk: *Provided*, that all such conveyances shall be authorized by a resolution of said board: *And, provided, further*, that all sales and conveyances of school houses, buildings and grounds appurtenant thereto, shall be first determined by a majority of the votes cast by the electors of said district, upon the submission by said board of the question of such sale at an annual election, due notice having been first given as provided in section seven of this act.

High school.

§ 9. Said board of education shall have the following additional powers:

First.—It shall have power to establish, maintain and regulate a high school, with the necessary departments, within said district.

Qualifications
for admission.

Second.—To prescribe, by regulations, the qualifications for admission into said high school and its respective departments, of persons residing in said district, free of charge for tuition therein, and also to provide for the admission into the same of persons residing without said district, upon such terms and payment for tuition as said board shall regulate.

Custody of prop-
erty.

Third.—To have the custody and control of all high school property in said district.

Fourth.—To erect, hire or purchase buildings suitable for the purposes of such high school and its necessary departments.

Buy and lease
sites.

Fifth.—To buy or lease sites for such high school and its departments, with its necessary grounds.

Grounds, etc.

Sixth.—To purchase, lease, control, adorn and improve play grounds or parks adjacent to such high school or its necessary departments.

Furniture, etc.

Seventh.—To furnish said high school and its departments with necessary fixtures, furniture, books, apparatus and

libraries, and to provide for the proper care, protection and maintenance of the same.

Eighth.—To employ teachers, determine their duties and fix the compensation to be allowed them from time to time, and at any regular or special meeting, all the members of said board being present at such special meeting, to dismiss such teachers or any of them, for gross immorality, incompetency, or other adequate cause. Teachers' duties

Ninth.—To direct what studies and branches of learning shall be taught, and what text books shall be used in said high school and its several departments. Branches.

Tenth.—To establish departments or different grades in said high school, and to make all necessary rules and regulations for the admission and advancement of applicants and pupils, and for the government of said high school and its departments; to suspend or expel pupils guilty of refractory, disobedient or immoral conduct, or possessed of any infectious or contagious disease. Grades — rules and regulations

Eleventh.—To appoint agents and servants to execute any matter conducive to the interests of said high school district, consistent with this act, and for their services to pay them such reasonable compensation as said board shall fix. Agents, etc.

Twelfth.—For the purpose of building a high school and other school buildings, and additions thereto, for the use of said high school district, and of repairing and improving the same, and purchasing real estate for such buildings, libraries, apparatus and other objects contemplated by this act, or of paying indebtedness contracted therefor, it shall be lawful for said board to borrow money, at a rate of interest not exceeding ten per cent. per annum, and to issue bonds therefor in sums of not less than one hundred dollars, which bonds shall be signed by the president and attested by the clerk and seal of said board. Borrow money.

§ 10. Said board of education shall have full power, and it shall be its duty, to determine the amount of money needed to maintain said high school and its departments, and to pay all expenses of said district, of every description, for each school year, and to determine the amount of money needed at any time for the purposes of purchasing, leasing or improving grounds for said high school objects, or of purchasing, leasing, building, finishing, repairing, improving or extending their said school houses, or of procuring furniture, libraries and apparatus, or of paying the indebtedness of said high school district. Said board shall have full power and authority to levy taxes upon all the taxable real and personal property in said district, for the purpose of raising said amounts so determined by it. Said board shall designate the amount of money required for the maintenance and expenses of said high school and its departments for each school year, as aforesaid, "school Interest—bonds
Indebtedness.
School tax,

tax;" and the amount required for any of the other purposes specified in this section, said board shall designate "school house tax." It shall be the duty of said board to ascertain, at any meeting prior to the second Monday of September, annually, the rate per cent. upon the assessment of real and personal property in said high school district for state and other purposes for that year, needed to be levied to raise the amount of "school tax" determined upon, and what rate per cent. upon the same will be needed to raise the amount of "school house tax" determined upon; which rate or rates shall be certified by the president and attested by the clerk of said board, and returned to the clerk of the county court of said Bureau county on or before the second Monday of September, annually. The certificate or certificates so made may be in the following form, as near as may be: "The board of education of the Princeton high school district requires the rate of — per cent. on the dollar to be levied on the taxable property of said district, for the year —, for the purpose of school tax, (or school house tax, as the case may be.) Dated this — day of —, 18—. A. B., president. Attest: C. D., clerk." It shall be the duty of the clerk of said county court to extend the tax or taxes so certified to him in one column, under the name of "high school tax," according to said rate or rates upon the book for that year of the collector of taxes for the territory embraced in said high school district; and the said taxes shall be collected as other taxes are or may be, and, when collected, shall be paid over, on demand, to the treasurer of said district. The said county clerk and collector shall receive for their services the same compensation as now is or may be provided for extending and collecting district school taxes. It is, however, provided that the rate to be levied in any one year for school tax shall not exceed three per cent. on the assessed valuation of the taxable property of the said district, and that the rate to be levied in any one year for school house tax shall not exceed five per cent. on said valuation.

School house
tax.

Certificates.

Clerk of county
court. duties of

Meetings.

§ 11. Said board of education shall hold regular meetings once in each month, at such time and place as shall be designated by the rules of said board. Said board shall make, from time to time, all needful rules and regulations for its own government and that of all officers, teachers and agents elected or appointed by said board, and for the custody, control, care and management of the school's funds and property belonging at any time to said district.

Officers.

§ 12. Said board shall, annually, at its stated meeting in July, elect a president and a clerk, both of whom shall be members of said board, and who shall hold their offices for one year. Said board shall also, at said meeting, appoint a treasurer of said high school district, who shall not

be a member of said board, and who shall hold his office during the pleasure of said board. The president shall preside at all meetings, and perform all other duties required by the rules of said board. The clerk shall record the proceedings of all meetings, the result of all elections held under this act, and the rules and regulations of said board. The said record shall be signed by the president and attested by the clerk; and the same, or certified copies thereof, under the hand of said clerk and the seal of said board, shall be *prima facie* evidence of the proceedings of said board in all courts and places. Said board may adjourn from time to time, and the president, or any two members thereof, may call special meetings, at such times and in such manner as the rules of said board shall provide. Three members of said board shall constitute a quorum for the transaction of business. In the absence of the president or clerk, the board may appoint a president or clerk *pro tem*.

Adjournments
and special
meetings.

Quorum.

Officers, *pro tem*

§ 13. Said board of education may make such rules concerning the duties of the treasurer, and the disposition of the funds and other property in his custody, as are not inconsistent with this act.

Treasurer's du-
ties—rules.

§ 14. The treasurer of said high school district shall execute, within ten days from his appointment, a bond, with two or more good and sufficient sureties, to be approved by said board, which bond shall be filed and recorded by the clerk, shall be made payable to said board in a penalty to be fixed by said board, and conditioned that he will safely keep, and, from time to time, pay over, upon the order of said board, all moneys and effects which shall come into his hands or under his control as such treasurer, and will deliver over to his successor in office all books, papers, securities, property and moneys remaining in his hands, and belonging to said district, and will faithfully discharge the duties of his office according to law, and the rules made by said board from time to time. It shall be the duty of said treasurer to receive and keep all moneys due and payable to said district. He shall keep an accurate account of all moneys received and paid out by him, in a record to be kept for that purpose, and shall pay out no moneys or other effects excepting on the order of said board. He shall retain vouchers for all moneys so paid out, and shall receive upon all moneys paid out on such orders a fee, to be fixed by said board, not exceeding two per cent. He shall settle his accounts with said board at the August meeting in each year, and shall produce his books and papers to said board whenever required so to do. All orders on said treasurer shall state for what purpose issued, shall be signed by the president, and registered and attested by the clerk of said board.

Powers of.

Qualified members of board.

§ 15. No person shall be eligible to serve as a member of said board, or to vote at any election provided for in this act, or to act as judge or clerk of such election, unless he shall be a resident of said district, and have the qualifications of an elector at township elections.

Successors of directors of high school district.

§ 16. The said board of education is hereby made the successors in office of the directors of the high school district organized in the said township of Princeton, and known by the name of "The High School District of Princeton;" which said last named district is hereby merged in the high school district created by this act. All high school buildings, property and real estate belonging to said high school district of Princeton are hereby conveyed to and vested in said board of education and its successors in office, in fee simple, for the purposes contemplated by this act. It is hereby made the duty of the trustees of schools of said township to execute and deliver to said board of education all conveyances requisite to perfect, in said board of education, the title to all real estate now held in trust by said trustees for the said high school district of Princeton.

Property in fee simple.

Conveyances of titles.

Contracts.

§ 17. The said board of education shall have power, and it is hereby directed, to ratify, assume and carry out all contracts made and entered into by said directors, on behalf of said district, for building and other school objects, and, for the purpose of executing such contracts, shall levy taxes and issue bonds as provided in this act.

§ 18. Nothing in this act shall be construed as affecting the present organization of the common school districts in said township, or the control and conduct of the same under the general laws of this state.

§ 19. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 5, 1867.

In force Feb'y 9, 1867. AN ACT to change the boundaries of a certain school district therein named.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the south-east quarter of section number twenty-four, (24,) the east half and east half of the south-west quarter of section number twenty-five, (25,) and the east half and east half of the west half of section number thirty-six, (36,) in township number ten, (10,) north of base line in range number eight, (8,) east of the third principal meridian, in Cumberland county, Illinois, is hereby attached to township num-

ber ten (10) north, range number nine (9) east, in said county of Cumberland, for all school purposes, and shall be in and form part of school district number eight, (8,) in said last-mentioned township, for all school purposes, until otherwise changed according to law.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 9, 1867.

AN ACT to amend an act incorporating Marion School District, in Williamson county. In force Feb'y 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the first section of an act entitled "An act to establish the Marion School District, in Williamson county," approved February the 16th, A. D. 1857, as incorporates with the said Marion school district the southeast quarter and southwest quarter and northwest quarter of section twenty-three, in township nine south, of range two east of the third principal meridian, be, and it is hereby, repealed, and the said quarter sections are to be omitted from the said Marion school district, and become subject to the control of trustees of the township in which they are located, as though they had never been incorporated with said Marion school district. Part of section repealed.

Omitted from district, etc.

APPROVED February 9, 1867.

AN ACT to amend an act to incorporate the Rock Island School District, approved February 18, 1857, and the several acts amendatory thereto. In force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act incorporating Rock Island School District, approved February 18th, 1857, be so amended that the board of education of said district shall, in addition to the powers conferred upon them by the act to which this act is an amendment, have power to borrow money at a rate of interest not exceeding ten per cent. per annum, to be exclusively expended in purchasing school house sites, erecting school houses, or in repairing or improving the same, or for the payment of any indebtedness incurred for such purposes: *Provided,* That any indebtedness so incurred shall be paid within five years from the date of its contraction, and shall Act amended.

not exceed such a sum as, in the opinion of said board, can be paid from the proceeds of special taxes, to be levied as hereinafter provided.

Special taxes.

§ 2. The said board of education shall, in addition to powers heretofore conferred, have power to levy a special tax upon the property of said district, subject to taxation, not to exceed one per cent. in any one year, for the exclusive purpose of purchasing school house sites, erecting school houses, or repairing or improving the same, or for the payment of any indebtedness incurred for such purposes. The taxes authorized by this section shall be levied, assessed, collected and paid into the treasury of the board at the same time and in the same manner as the other school taxes of the district.

Election of
board of edu-
cation.

§ 3. The annual election of the board of education of Rock Island school district shall hereafter be held on the last Tuesday of June in each year. At the next regular election for members of the board of education all vacancies then existing in said board shall be filled by election in the usual manner; and there shall also be elected two other members of said board, and thereafter said board shall consist of five members; the two members of said board whose term of office shall not have expired at the next election, shall remain in office for one year from and after said regular elections, and the remaining three members of said board shall select by lot two of their number who shall hold office for two years from and after said election, and the one remaining shall hold office for three years; and thereafter members of the board shall be elected and hold office for three years: *Provided*, That in case of elections to fill vacancies occasioned by death, removal or resignation, the person elected shall only succeed to the unexpired term of the member whom he succeeds.

Vacancies.

Office tenure.

Admission of
pupils.

§ 4. The board of education shall not be required to admit into the schools any children adapted to the lowest classes in the primary rooms, except during the first week in each month.

Money borrow-
ed and tax lev-
ied, etc.

§ 5. This act shall take effect from and after its passage, and shall be a public act; but no money shall be borrowed or tax levied under this act until after the next regular election for members of the board.

APPROVED February 18, 1867.

AN ACT to define a school district therein named.

In force Feb'y
20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That district No. four (4), in township No. four (4) south, of range six (6) east, in the county of Hamilton, be, and the same is hereby, composed of sections 13, 14, 23 and 24, in said township No. four (4) south, of range six (6) east, and as such district shall be subject to all the provisions of the general school law of this state: *Provided*, that the board of trustees of said township shall have power, whenever they may deem it advisable so to do, to add to said district sections one (1) and twelve (12), in said township; but shall have no power to alter or change the boundaries of said school district in any other respect whatsoever.

School district defined.

Powers of trustees.

§ 2. This act to be in force from and after its passage.

APPROVED February 20, 1867.

AN ACT to unite so much of township twenty-one north, range two east of the fourth principal meridian, as lies in Rock Island county, with township twenty north, range two east of said meridian, in said county, for school purposes.

In force April
19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of township twenty-one north, range two east of the fourth principal meridian, as lies in the county of Rock Island, in this state, be and the same is hereby attached to township twenty north, range two east of said fourth meridian, for all school purposes.

Attached for
school pur-
poses.

APPROVED February 19, 1867.

AN ACT to amend an act entitled "An act to incorporate the Kankakee School District," approved February 16, 1865.

In force Feb'y
22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of education may issue bonds in conformity with the provisions of said act, to the amount of thirty thousand dollars; but that the bonds issued by said board and outstanding, shall not at any one time exceed that amount.

Indebtedness
of board of ed-
ucation.

§ 2. That all of that portion of township number thirty-one (31) north, of range number twelve (12) east of the

Townships ex-
cluded.

third principal meridian, which lies on the west side of the Kankakee river, be and the same is hereby excluded from said school district.

Officers' duties.

§ 3. That instead of filing separate schedules or copies thereof with the township treasurers, as required by section number seven of said act, the president and clerk of said board may make and file with each of the said township treasurers a certificate, stating the number of scholars attending school, the grand total number of days of attendance, and the average daily attendance of scholars in the schools from said townships, respectively; and the trustees of schools of said townships shall distribute a *pro rata* share of the state, county and township school funds to said district, upon the attendance mentioned in said certificate, the same as provided for in said section, upon said schedules; and this amendment shall not prevent said district from receiving a *pro rata* share of the funds upon the number of children under twenty-one years of age, or upon any other basis that may be hereafter required by law.

Shares of funds.

Acts repealed.

§ 4. All prior acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

In force Feb'y 22, 1867.

AN ACT to amend an act entitled "An act to establish and regulate a system of public schools in the city of Bloomington," approved February 16, 1857.

A prior act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to establish and regulate a system of public schools in the city of Bloomington," be and the same is hereby amended as follows:

Powers.

§ 2. That in addition to the power and authority vested in the board of education of the city of Bloomington, by the act to which this is an amendment, and the former amendment thereto, and for the purpose of enabling said board to purchase proper sites for school houses, to erect suitable buildings thereon, and to finish and furnish all of their school houses in a proper manner, the said board of education shall have the power to and they are hereby vested with the authority following:

Indebtedness.

§ 3. To issue bonds of such denominations and in such sums as they may deem proper, not to exceed, in the aggregate, the sum of one hundred thousand dollars, bearing interest, payable annually or semi-annually, at a rate not

to exceed ten per cent. per annum; said bonds to be made payable not less than five years nor more than twenty years from their dates, respectively, and not to exceed ten thousand dollars of said bonds shall be made payable or fall due in any one year.

§ 4. That each and all of said bonds so to be issued as aforesaid, shall be made payable to the order of some particular person therein set forth and named, and shall be executed by the said board of education, under their seal, by and through their president and secretary, and shall also be countersigned by the treasurer of said board, and it shall also be the duty of said secretary and treasurer each to keep in a book provided for that purpose, an accurate list of all bonds so issued, with a full description thereof. Officers' duties.

§ 5. On any year hereafter, when the principal of any series of said bonds shall fall due, or on any year when the interest upon said bonds shall accrue to a larger amount than there shall be funds in the hands of the treasurer of said board to pay from the present tax now authorized to be levied by law, the said board of education shall, in their annual report preceding the falling due of said bonds, or the accruing of said interest, (as provided for in section eight of the act of which this is amendment) certify to the city council of said city the amount so to fall due and become payable by the maturity of said bonds, or the accruing of said interest, in addition to the other expenses, and moneys to be raised by tax, and reported to said council, as provided in said section eight of said original act, and the said city council shall thereupon proceed to levy a tax sufficient to meet the amount so to fall due by the maturity of said bonds, or the accruing of said interest, in addition to the amount now authorized by said original act and an amendment thereto, to be levied and collected: *Provided*, that the additional tax authorized to be levied and collected by this act shall not exceed, in any one year, one cent. on the dollar of all the taxable property of said city, and the said additional tax shall be collected, paid over, and treated in all respects in the same manner as other taxes levied for school purposes by said city, as provided for in said original act and the said amendment thereto. Taxes, etc.

§ 6. All the real estate, buildings and property of said board of education in said city shall be liable for the payment of said bonds and the interest thereon, and the said bonds shall be and become a lien upon said real estate from their date, and in the order in which the same are issued, and shall so remain until the full payment thereof. Property, etc.,
liable for pay-
ment of bonds.

§ 7. This act shall take effect and be in force from and after its pas-age.

APPROVED February 22, 1867.

In force March 3, 1867. AN ACT to authorize Union school district No. 5, in the town of Manteno, Kankakee county, to borrow money to build [a] school house.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of directors of Union school district No. (5) five, in the town of Manteno, (town 32, range 12,) in Kankakee county, state of Illinois, are hereby authorized and empowered to borrow money, in a sum or sums not exceeding six thousand dollars in total amount, and to issue bonds therefor, payable at such time and times, not exceeding ten years, as they may deem best, and drawing a rate of interest not exceeding ten per cent. per annum, for the purpose of erecting, completing and furnishing a new school house for said district.

Amount—when payable—rate of interest.

Special tax.

§ 2. The school directors of said school district are hereby authorized and empowered to levy, or cause to be levied, on the taxable property of said district, a special tax of not exceeding five mills on the dollar valuation, for the purpose of paying the interest on said indebtedness; the said special tax to be collected in the same manner as other taxes are collected, and to be paid over to such person or persons as the said directors may direct.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force March 4, 1867. AN ACT to establish the school district of Blandinsville, McDonough county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Blandinsville, McDonough county, as now defined by corporate limits, be and the same is hereby established a school district, to be known as Blandinsville school district.

Name.

Additions.

§ 2. The trustees of schools of the townships of Blandinsville and Hise, or either of them, may from time to time, make such additions to said school district as to them or either of them may seem desirable, the written consent of the school directors of said Blandinsville school district having been first obtained, but no alteration in the boundary of said school district shall be made without such consent.

Alteration of boundaries.

§ 3. This act shall be in force from its passage.

APPROVED March 4, 1867.

AN ACT to incorporate the Augusta School District.

In force March
5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district of country embraced within the following boundaries, to-wit: Beginning at the north-east corner of the south-east quarter of section thirteen (13), in township three (3) north, and range five (5) west of the fourth (4) principal meridian, in Hancock county, Illinois, and running thence west on the half section line to the centre of section fourteen (14), in the township and range aforesaid, thence north on the half section line to the centre of section eleven (11), in the township and range aforesaid, thence west to the one-eighth sectional corner on the north side of the south-west quarter of section ten, in township and range aforesaid, thence south to the south line of said section ten, thence west to the south-west corner of said section ten, thence on section line to the south-east corner of the north-east quarter of section sixteen, thence west to the center of said section sixteen, thence south to the one-fourth sectional corner on the north line of section thirty-three (33), in the township and range aforesaid, thence east on section line to the county line between the counties of Hancock and Schuyler, thence north on said county line to the place of beginning, is hereby constituted a permanent school district, by the name of the "Augusta School District," by which name it shall be capable of suing and being sued, contracting and holding real and personal estate, and have such other general powers as the directors of schools shall or may have by law. No territory shall be taken therefrom, except by act of the legislature.

Boundaries.

Permanent
school district.
Name.
Powers.

§ 2. The board of directors, in whom the powers of the corporation hereby created are vested, shall consist of three members, two of whom shall constitute a quorum to do business, and the present board of directors of school district number two, in township three north, of range five west, aforesaid, shall constitute the first board of directors under this act; and all vacancies occurring in said board shall be filled in the manner prescribed by the general school law of the state.

Board of direc-
tors.

Quorum.

First board.

§ 3. The board of directors shall have power to demand and receive from the trustees of schools of township three (3) north, range five (5) west, aforesaid, and from the treasurer of said township, such portion of the interest of the school fund, and of such other funds as said district is now, or hereafter may be by law entitled to receive, by delivering to said treasurer a semi-annual statement of the number of teachers, male and female, employed in said schools, of the salaries paid said teachers, of the number of pupils, male and female, enrolled, and the aggregate attendance of

Powers of di-
rectors.

the same ; and to furnish such other statistics as the school law of the state may require.

§ 4. The board of directors of said district shall have power—

- Ground sites. *First.*—To buy grounds and sites for school houses.
- Buildings. *Second.*—to hire, purchase or erect houses and buildings to be used for school purposes, and to keep the same in repair.
- Furniture, etc. *Third.*—To furnish schools with the necessary fixtures, furniture and apparatus.
- Departments. *Fourth.*—To graduate the schools into primary, intermediate and high departments, to fix the studies to be taught in each department thereof, and to prescribe the books to be used.
- Compensation of teachers. *Fifth.*—To employ and fix the compensation of teachers, and to maintain, support, establish and carry on public schools therein for as many months in the year, not less than six months, as they may deem proper.
- Borrow money. *Sixth.*—To borrow money, and also to levy annually and have collected in the same manner as other school directors, for school purposes, a tax not exceeding one dollar on the one hundred dollars assessed valuation of all the taxable property in such districts as subject to taxation therein.
- Rules, etc. *Seventh.*—To adopt such rules and regulations concerning schools, not inconsistent with this act, and the general school laws of the state, as they may deem expedient.
- General powers. *Eighth.*—And generally to have all the powers conferred by law upon directors of schools, as necessary to carry any of the foregoing powers into effect.
- Admission of pupils. § 5. They may admit pupils without such district to the public schools thereof, upon such terms and conditions as they may prescribe, and shall have power to require a tuition fee for the admission of pupils to such schools, in addition to the public money they may collect.
- Additions. § 6. Any person being the owner of land and residing thereon, within one mile of and adjoining said district, may, with his written consent, and that of two of the trustees of said township three (3) north, range five (5) west, be annexed to said district, upon such terms as the directors thereof may impose.
- Vested property. § 7. All property and buildings belonging to school number two (2), in township three (3) north, five (5) west, aforesaid, are hereby vested in the school district hereby created, and all laws concerning public schools, not inconsistent herewith, shall apply to the district hereby created.
- Special taxes. § 8. The said directors shall have power to levy a special tax for the purpose of erecting school buildings, whenever authorized to do so by the legal votes of said district, at any election, not exceeding one dollar on the one hundred dollars assessed valuation of all taxable property in

said district, said taxes to be collected in the same manner as other school taxes.

§ 9. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT in reference to the Reform School of the city of Chicago, state of Illinois. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That warrants for commitment of any child to the Chicago Reform School shall run "In the name of the people of the State of Illinois," and all warrants on which any boy has been heretofore committed may be amended by the authority issuing the same, or their successors in office, by inserting the words, "The People of the State of Illinois," over such mittimus, and thereafter the same effect shall be given to such mittimus as if such words had been originally inserted.

Warrants for commitments of children to school.

§ 2. Parents and guardians are hereby permitted and empowered to place in said school, by permission of the guardian and superintendent of said school, any child of theirs, or under their control, between the ages of six (6) and sixteen (16) years; and when said child is so received it shall be subject to the same rules, and may be held for the same time, and on the same terms, in every respect, as if it had been committed to said school by the provisions of law in reference to said school, and shall be discharged from said school in the same manner as by law the other inmates of said school are discharged; and said parents or guardians shall pay the officers of said school, for the use of the reform school fund, such sums annually as may be agreed upon by the parties.

Privileges of parents, etc.

§ 3. If any officer or other person procure the escape of any boy or girl committed to the Chicago reform school, or connive at or aid, conceal or assist, in any such escape, or assist any person after such escape, he, she or they shall, upon conviction thereof, pay a fine not exceeding one hundred dollars (\$100), and be confined in the county jail not exceeding six (6) months.

Escape of boys and girls.

§ 4. That section seven (7) of chapter fourteen (14), of an act approved February 13, 1863, entitled "An act to reduce the city of Chicago, and the several acts in amendment thereof, into one act and revise the same," be, and the same is hereby, repealed; and that the duties of commissioner imposed by section eight (8) of said act, be perform-

Repealed sections.

Commissioners' duties transferred.

Commitment of
vagrants and
children.

ed by either of the judges of the superior or circuit courts in said city; and whenever any police magistrate or justice of the peace of said city shall have brought before him any boy or girl within the ages of six (6) or sixteen (16) years, who he has reason to believe is a vagrant, or is destitute of proper parental care, or is growing up in mendicancy, ignorance, idleness or vice, he shall cause such person, together with the warrant on which he was arrested, and the list of witnesses which may be necessary to establish the situation and condition of such boy or girl, to be transmitted to one of the judges of the superior or circuit court, either in term time or vacation, and thereupon it shall be the duty of such judge to proceed in the same manner and give the same notice that said commissioner is, in said section eight (8), required to give; and if, upon such examination, such judge shall be of opinion that the said boy or girl is a proper subject for commitment to the reform school, and that his or her moral welfare, and the good of society, require that he or she should be sent to said school for instruction, employment and reformation, he shall so decide, and direct the clerk of the court of which he is judge to make out a warrant of commitment to said reform school, and such child shall thereupon be committed; and such judge and the clerk of the court shall receive of the city of Chicago the same fees that are prescribed by law for fees in civil cases.

§ 5. This act shall take effect from and after the date of its passage.

APPROVED March 5, 1867.

In force March
5. 1867.

AN ACT to attach certain lands therein named to school district number one, in township number eighteen north, range seven west, in Menard county.

Additions de-
fined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the south-east quarter of section number eleven, in township number eighteen north, range number seven west, of the third principal meridian, and all that part of the southwest quarter of section number twelve, in the township aforesaid, which lies and is situated on the west bank of the Sangamon river, in Menard county, be, and the same is hereby, attached to school district number one in said township, subject to all general laws of this state respecting schools and school districts, and all special legislation relating to said district.

Subject to gen-
eral laws.

§ 2. This act shall be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Heyworth School District.

In force March
5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That within the following described boundaries, viz: commencing at the south-east corner of section eleven, town 21 N., R. 2 E. of third principal meridian, McLean county, Illinois; thence north two and three-fourths miles; thence west one-fourth mile; thence north three-fourths of a mile to the north-east corner of the north-west quarter of the south-east quarter of section 26, T. 22 N., R. 2 E., of 3d P. M.; thence west two and one-half miles to the north-west corner of the east half of the south-west quarter of section 28; thence south one fourth mile; thence west one-half mile; thence south three-fourths of a mile; thence west one-fourth mile; thence south one-fourth mile; thence west one-half mile, to the section line between sections 31 and 32; thence south three-fourths of a mile, to the half-mile corner on the west side of section 5, T. 21 N., R. 2 E.; thence east one mile; thence south one-fourth mile; thence east one-half mile; thence south one and one-quarter mile, to the half-mile corner on the south side of section 9; thence east two and one-half miles, to the place of beginning, is hereby constituted a school district, to be known as "The Heyworth School District."

§ 2. The government of said district, for school purposes, shall be vested in a board of seven directors, namely: Gen. R. G. Laughlin, Hon. Harrison Noble, Alpheus Milliner, Samuel Hill, Isaac Vanordstrand, Francis M. Philbrook and Jno. Kelly; five of whom shall be a quorum to transact business.

§ 3. Said board shall be styled the board of education of the Heyworth school district, and shall hold their office for five years, and until their successors are elected and qualified: *Provided*, that at the first meeting of the board they shall be divided by lot into seven classes—one of them to be of the first class, one of the second class, and so on through to the seventh class; and the seats of the first shall be vacated at the expiration of five years, when there shall be an election of one member of the first class; and annually thereafter, on the first Monday in August, there shall be an election of said classes successively, thus giving one new member to said board each year after five years; and should a vacancy occur in said board, it shall be the duty of said board to fill said vacancy.

§ 4. Meetings for elections shall be called by the board, by previous notice being given of at least ten days of the time and place, and otherwise to be conducted as prescribed by our common school law.

Name and style	§ 5. The said board of education shall be a body corporate and politic, and by that name and style may sue and be sued, plead and be impleaded, buy and sell land; and they may receive gifts, grants, donations, bequests, legacies, etc., which may be made for school purposes; and adopt such rules and regulations as they may deem necessary for the management of said district. They shall severally take an oath to discharge the duties of their office to the best of their abilities.
Powers and privileges.	
Semi-annual meetings.	§ 6. It shall be the duty of said board to hold semi-annual meetings, on the first Tuesday of April and the first Tuesday of October in each year, and called or special meetings at any time. They shall organize by electing one of their number president, and one clerk, and shall appoint a treasurer, who shall not be a member of said board, and who shall give bond and security, to be approved by said board, and whose duty it shall be to receive all school funds belonging to said district, and disburse the same by order of said board, signed by its president and clerk; for which he shall receive no compensation.
Organization. Officers.	
Taxes.	§ 7. It shall be the duty of said board to levy a tax each year, sufficient to carry on school at least six months, and not more than eight months, and also a tax sufficient to erect such buildings as may be necessary for the accommodation of all scholars wishing to attend said schools; and said board may borrow money for the use and benefit of said district.
Assessment of scholars.	§ 8. Said board may continue the schools after the six months' term, by assessing the scholars attending said schools, so as to defray the expenses thereof, in whole or in part. All assessments thus made shall be collected in advance from those wishing to attend, and shall be made according to the department to which the scholar belongs: <i>Provided</i> , that not more than ten months' school shall be taught in any one year.
Proviso.	
Disposition of taxes collected	§ 9. All taxes levied by said board of education shall be collected in the same manner, and at the same time, and by the same officers, that the state and county taxes are collected in said district, and shall be paid over by the town collector to the treasurer appointed by said board; and it shall be the duty of the treasurers of towns 21 and 22 N., R. 2 E., to pay over to the treasurer appointed by said board the distributable share of all the school funds, of every description, that may come into their hands, belonging to said district.
Duties of board.	§ 10. The said board shall transact all business which may be necessary, in relation to any schools, school funds, taxes, enumeration of children, etc., in said district, and shall be the legal successors of the trustees, in every particular, of towns 21 and 22 N., R. 2 E., of the 3d P. M., within the bounds of said district. They shall appoint all

teachers, fix salaries of each teacher, and dismiss teachers or scholars at any time, for good cause shown; and, generally, they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and school funds, with power to make all rules, orders and ordinances, as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instruction and common schools in said district.

§ 11. This act shall not affect or impair, in any way, the rights and privileges possessed at this time by said district in regard to drawing any state, county or township funds that said district may be entitled to by reason of the number of scholars attending said schools, or the number of days taught, or for any other cause, whether herein enumerated or not. Privileges, etc.
not impaired.

§ 12. In all points not enumerated in this act, the board of education shall be governed by the common school law of the state. Government.

§ 13. All prior acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act is declared a public law, and shall take effect and be enforced from and after its passage. Conflicting acts
repealed.

APPROVED March 5, 1867.

AN ACT to create the Illiopolis School District.

In force March
7, 1867.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a school district, to be called "Illiopolis School District," shall be created, with the following boundaries: Beginning at a point on the Sangamon river where the county line between Sangamon and Macon counties intersects said river; thence north with said county line to a point in the same which is the central point in the east boundary line of section thirty-two (32,) in township seventeen (17) north, range one (1) west, of the third (3d) principal meridian; thence west on a straight line through the centers of sections thirty-two (32) and thirty one (31,) in township seventeen (17) north, range one (1) west, of the third (3d) principal meridian, and section thirty-six (36,) in township seventeen (17) north, range two (2) west, of the third (3d) principal meridian, to the central point in the west boundary line of said section thirty-six (36,) in township seventeen (17) north, range two (2) west, of the third (3d) principal meridian; thence south Designation.

Boundaries.

with the section line between sections thirty-five (35) and thirty-six (36,) in township seventeen (17) north, range two (2) west of the third (3d) principal meridian, to the township line between townships sixteen (16) and seventeen (17) north ; thence south with the section line between sections one (1) and two (2,) eleven (11) and twelve (12,) thirteen (13) and fourteen (14,) twenty-four (24) and twenty-three (23,) to the point in the center of the west boundary line of said section twenty-four (24,) township sixteen (16) north, range two (2) west, of the third (3d) principal meridian ; thence east on a straight line through the center of said section twenty-four (24,) in township sixteen (16) north, range two (2) west, of the third (3d) principal meridian, to a point which is the center of the east boundary line (which is the range line between ranges one (1) and two (2) west of the third (3d) principal meridian) of said section twenty-four (24,) township sixteen (16) north, range two (2) west, of the third (3d) principal meridian ; thence south with said range line between ranges one (1) and two (2) west, of the third (3d) principal meridian, to the point where said range line intersects the Sangamon river ; thence up the Sangamon river with the meanders thereof, to the place of beginning.

§ 2. This act shall be in force from and after its passage.

APPROVED March 7, 1867.

In force March 6, 1867. AN ACT to provide for schools in township number eight north, of range eight (8) east, in Peoria county.

District described.	de-	part of township eight (8) north, of range eight (8) east, of the fourth (4th) principal meridian, lying outside the corporate limits of the city of Peoria, shall be embraced within the said city, for school purposes ; and it shall be the duty of the board of school inspectors of the said city of Peoria, to provide for schooling all the children residing in said township, outside the city, in the same manner and for the same length of time each year, as is provided for the children residing within the city limits.
Schooling children.	chil-	
Taxes.		§ 2. The board of school inspectors of the city of Peoria shall, from time to time, levy or cause to be levied the same tax upon all property, both real and personal, for school purposes, on the property within the said township, as is levied for the like purpose on the property within the corporate limits of said city.
Duties of school inspectors.		§ 3. It shall be the duty of the said board of school inspectors, previous to the first day of November in each

year, to notify the clerk of the county court of Peoria county of the number of mills upon each dollar's worth of real and personal property levied by said board for school purposes for the current year, and the clerk aforesaid shall extend the same upon the tax list at the time of extending the state and county tax upon all property, both real and personal, lying within the township and outside the city limits; which tax shall be collected in the same manner and by the same officers who collect the state and county tax, and when collected shall be paid over by the officer collecting the same to the treasurer of the board of school inspectors of the city of Peoria, and by him paid out upon the order of the said board of school inspectors.

APPROVED March 6, 1867.

AN ACT to incorporate the Havana German School Association.

In force March
7, 1867.

WHEREAS, Augustus Otto, J. H. Bruning and Charles Holste, with other persons heretofore become associated together for the purpose of erecting a suitable building and maintaining a school for instruction in the elementary and higher branches of education; in both the English and German languages, in the town of Havana, Mason county, and state of Illinois, and in pursuance of such association have purchased a lot of ground in said town, and erected suitable buildings for school purposes thereon; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Augustus Otto, J. H. Bruning and Charles Holste, with such other persons as may associate with them, be and they are hereby created a body politic and corporate, by the name and style of "The Havana German School Association," and by that name to have perpetual succession for the purpose of maintaining an institution of learning as herein contemplated.

Name and style
Purpose.

§ 2. The corporation hereby created shall have power by their corporate name to sue and be sued, contract and be contracted with, acquire and receive and hold, by purchase, property, real, personal and mixed, and to use, manage and employ, and sell and convey and dispose of, by the trustees of the association, all such property and money in such manner as to the said trustees shall seem proper for the best interests of said school, and all property, real, personal or mixed, which has heretofore been acquired by the persons named in this act, or by any or either of them, or by any other person for the use of said school association, and the title to and right of possession of the same

Corporate powers.

shall be and the same is hereby vested in the said corporation hereby created.

Vested powers and privileges.

§ 3. All contracts, subscriptions, notes or liabilities, of whatever nature or kind, now existing in favor of the association heretofore existing, and payable to any person or persons for or on behalf of said association, are hereby vested in the corporation hereby created, with full power in said corporation to sue for and collect the same; and all debts, dues and demands now owing and unpaid from the said association heretofore existing, or from any person or persons on its behalf, are hereby declared to be the debts and liabilities of the corporation hereby created.

Election of officers,

§ 4. The officers of said corporation shall be a president, secretary and three trustees. The president, secretary and one trustee to be elected annually, at a meeting of the members to be held on the last Saturday of December in each and every year: *Provided*, that a failure to elect officers on the day herein designated, shall not operate as a dissolution of said corporation, but all officers elected shall continue in office until their successors are elected, and the present officers of the association shall continue in office until the next regular election, and until their successors are duly elected.

Proviso

Management.

§ 5. The trustees shall have the complete control and management of the school, and the exclusive custody and control of the money and other property of said corporation, subject to such rules and regulations as the members of the corporation may from time to time adopt. They may appoint a treasurer, and require of him a bond, with sufficient security to said corporation; which bond shall have the same force and effect as bonds given by school treasurers under the common school law of this state.

Treasurer.

Constitution, by-laws, etc.

§ 6. The articles of association known as the constitution and the by laws, rules and regulations of the Havana German School Association, so far as the same are consistent with this act of incorporation, shall be and remain the rules, by-laws and regulations of said corporation until abolished, or amended by the members of said corporation.

Property, etc., exempt from sale upon execution and decree.

§ 7. The lots, buildings, furniture and apparatus of the said corporation which are actually used for school purposes, shall be forever exempt from all state, county, corporation or special taxation whatever, and shall be exempt from sale upon execution or decree, except the right to sell shall been acquired through or by a conveyance from the lawful trustees of the corporation.

§ 8. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to establish and maintain a system of Public Graded Schools in the town of Olney. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers vested in school directors under the general school laws of the state of Illinois, the board of directors of school district number twelve (12), in townships three (3) and four (4) north, range ten (10) east, as now laid off and established, including the town of Olney and suburbs, in the county of Richland, shall establish and keep up, within the bounds of the town of Olney, a sufficient number of graded schools to accommodate all the children of said district for ten months in each year. Additional duties of school directors.

§ 2. Said directors may admit to such schools non-residents and persons over the age of twenty-one years, on such terms as they may prescribe; and shall have the power to sue for and collect tuition fees from such non-residents and persons over twenty-one years of age, for the use of the schools of said district. Non-residents.

§ 3. For building and repairing school houses, and improving school sites, and for all other school purposes, the said directors shall be and are hereby authorized to levy and collect taxes in the manner prescribed by the general school laws of this state; but in no case to exceed two and one-half per cent. on the taxable property of said district, without a vote of the people of said district. Taxes.

§ 4. This act is hereby declared a public act, and shall be admitted as evidence in all courts of law or equity in this state, without proof; and shall take effect and be in force from and after its passage. Evidence of act.

APPROVED March 8, 1867.

AN ACT to establish and maintain a system of Graded Schools in the city of Olney. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of directors of school district number twelve (12), of townships three (3) and four (4), in Richland county, embracing all the territory within the city of Olney, shall establish and keep up, within the bounds of said city of Olney, a sufficient number of graded schools to accommodate all the children within the limits of said city, for the space of ten months in each year. Graded schools.

§ 2. Said directors shall have power to admit into such schools non-residents and persons over the age of twenty- Admission of scholars.

one years, on such terms as they may prescribe, and shall have the power, and are hereby empowered, to sue for and collect tuition fees from such non-residents and persons over twenty-one years of age, for the use of the schools within said district.

Building and
repairs—taxes.

Proviso.

§ 3. Said board of directors shall have power to build and repair school houses, improve school sites, and they are hereby authorized to levy and collect taxes to do all and singular the matters and things required or permitted by their acts; said tax to be levied and collected in the manner prescribed by the school laws of this state: *Provided*, that no tax shall be levied at a higher rate than two and one-half per cent. on the taxable property of said district, except said directors may call a special election of all the legal voters of said district, and if a majority shall vote to levy a tax above two and one-half per cent., then said directors shall have power so to do.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force March
9, 1867.

AN ACT to legalize a certain tax levied by the school directors of school district number three, in township sixteen south, of range one west, and for other purposes.

Preamble.

WHEREAS the trustees of schools in township sixteen (16) south, range one (1) west, did, at the regular meeting on the first Monday in October, 1866, by petition of a large majority of the inhabitants of school district number two (2), did divide said district; and whereas due notice was given, by the township treasurer of said township, for an election for three directors of school district number three (3); and whereas said election was held on Monday, the fifteenth (15th) day of October, 1866, and three directors were elected, and did assess a school tax on all the property, real and personal, in said school district, for purposes on the same day; therefore,

Tax defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That a certain tax levied by the directors of school district number three, in township sixteen south, of range one west, in the counties of Pulaski and Alexander, in the state of Illinois, on the fifteenth day of October, 1866, for the purposes of schools, be and the same is hereby legalized; and the said directors are hereby authorized to cause the said tax to be collected in the same manner as other taxes are collected.

§ 2. This act shall be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT changing the Carthage School District.

In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the act entitled "An act for enlarging the Carthage School District, in the county of Hancock, in said state," in force April 1st, 1861, which includes in said school district the northwest quarter of section seventeen, and the south half of the northwest quarter of section twenty-nine, in township five north, and range six west of the fourth principal meridian, be and the same is hereby repealed.

Part of act re-
pealed.

§ 2. This act is declared a public act, and to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to confer school powers upon the township of Hanna, in the county of Henry.

In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the township of Hanna, in the county of Henry, comprising all that portion of township eighteen (18) north, range two (2) east of the fourth principal meridian which is situated south of Rock river, together with sections one (1), two (2), three, (3), four (4), five (5), six (6), and the north half of section seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), in township seventeen (17) north, range two (2) east of the fourth principal meridian, be and is hereby established a township for school purposes.

Boundaries

§ 2. The business of said township shall be done by three trustees, to be elected by the legal voters of said township; and the said township, upon the election of trustees as aforesaid, as hereinafter provided for, shall be a body corporate and politic, by the name and style of "Trustees of Schools of Township Eighteen North, Range Two East of the Fourth Principal Meridian, lying south of Rock River," which said corporation shall have perpetual existence, and shall have power to sue and be sued, plead and be impleaded, in all courts and places where judicial proceedings are had, and shall have and exercise any and all rights and powers granted by the statutes of this state in relation to schools.

Trustees.

Name and style

§ 3. The first election of trustees aforesaid shall be holden on the second Monday of March, A. D. 1867, or any Monday thereafter, at the usual place of holding elections in said township, which election shall be ordered by the

Elections.

county clerk of Henry county, who shall give notice of the time and place of said election, by posting up notices of the same, at least ten days previous to the day of election, in three of the most public places in said township.

Term of office
of trustees.

§ 4. The trustees elected at said election shall hold their office until the second Monday of October thereafter, or until their successors shall have been duly elected.

Subsequent
elections.

§ 5. All subsequent elections of trustees shall be held at the time and in the manner specified in an act entitled "An act to establish and maintain a system of free schools," approved February 22, 1861, which said act is hereby made and declared to be a part of this act, and its provisions shall apply to and govern the said township in all matters pertaining to schools, excepting where the same may conflict with either sections one, two, three or four of this act, in which case said specified sections shall be taken as the law, and shall be valid and have full force.

School funds.

§ 6. The said township of Hanna shall be entitled to a just proportion of any and all moneys, notes or other evidences of indebtedness now belonging to the school funds of said townships seventeen and eighteen north, range two east of the fourth principal meridian, which proportion shall be payable to the legally elected trustees of schools of township eighteen north, range two east of the fourth principal meridian, lying south of Rock river, upon demand.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 23, 1867. AN ACT to appropriate surplus bounty funds in the town of Lemont, Cook county, for school purposes.

Preamble.

WHEREAS by an act approved February 2, 1865, entitled "An act to enable the citizens of the several towns in the counties therein named to raise money for payment of bounties," no provision is made for the disposal of any surplus money that was so raised; and whereas the supervisor, assessor and collector of the town of Lemont, in the county of Cook, in determining the rate per cent. of said tax, did, through a clerical error, levy a tax of two and one-half per cent., instead of one and one-half per cent., as intended, whereby a sum of about two thousand five hundred dollars was raised more than was necessary for bounty purposes in said town; therefore,

Disposition
of funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of the supervisor, town clerk, or other person*

in whose custody the surplus bounty funds belonging to said town of Lemont, in Cook county may be, to pay the same to the township treasurer of the school fund for said town, whose duty it shall be to hold said money, subject to the order of the school directors of the different school districts of said town, such money to be used by said directors for the purpose of maintaining schools and for building school houses in their different school districts.

§ 2. Said township treasurer shall divide said money Division of. between the different districts in proportion to the amount of tax collected in each district for bounty purposes, and shall pay it out on the orders of the school directors of the several districts.

§ 3. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to attach certain lands therein named to school district number six, in the town of Hallock, in Peoria county. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Attached lands described. north half of section thirty-one (31), the north-west quarter and the south-east quarter of section thirty-two (32), in township number twelve (12) north, of range eight (8) east of the fourth principal meridian; the south half of section thirty-six (36), in township number twelve (12) north, of range seven (7) east of the fourth principal meridian; the east half of the north-west quarter of section one (1), in township number eleven (11) north, of range seven east of the fourth principal meridian; the north-east quarter of section one (1) of the same township and range; the south-west quarter of section seven (7), township number eleven (11) north, of range eight east of the fourth principal meridian, shall henceforth be attached to and constituted a part of school district number six, of the town of Hallock, in the county of Peoria; and the inhabitants of the said several tracts shall, after the passage of this act, be entitled to all the rights and privileges, and be subject to like burthens and assessments now enjoyed or borne by the inhabitants of the said school district to which they are attached.

§ 2. The said district, so enlarged, shall remain subject Rights and privileges. Subject to general laws. to all general laws of the state respecting schools and school districts, and all special legislation relating to said district.

§ 3. This act to take effect from and after its passage.

APPROVED February 28, 1867.

In force April
1, 1867.

AN ACT to establish and form the Charleston Union School District.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district of country embraced within the following boundaries, to-wit: Sections one, (1,) two, (2,) three, (3,) ten, (10,) eleven, (11,) twelve, (12,) thirteen, (13,) fourteen (14) and fifteen, (15,) in township twelve (12) north, range nine (9) east, in the county of Coles, and state of Illinois, is hereby made and constituted a permanent school district, by the name of "The Charleston Union School District;" and that no territory shall ever be taken therefrom, except by act of the legislature.

Name.

Powers, etc.

§ 2. That the public schools of said district shall be under the exclusive management and control of six persons, to be elected and qualified as hereinafter specified, and known as "The Board of Education of Charleston Union School District;" which board of education, and their successors in office, shall be a body corporate and politic, by the name and style aforesaid, and may have a common seal, and change the same at pleasure; and, as such board, may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this state; and, as such board, and in such name, shall be the legal successors of the trustees of schools and school directors in the territory embraced herein, and shall be and are hereby invested, in their corporate capacity, with the title, care, custody and control of all lands, lots, school houses and buildings, school libraries and apparatus, and shall receive all moneys and other property belonging or in any way accruing to said district, or to any part thereof, for the use and benefit of public schools therein, with full power to use and control the same in such manner as they may think will best promote the interests of public schools and the cause of free education, not inconsistent with this act; and said board shall also be capable of receiving any gift, grant, bequest or devise of real or personal property, made for the use or benefit of public schools in said district; and all moneys accruing to said district for school purposes, under any law of this state, shall be paid over to the treasurer of said board of education.

Board of educa-
tion.

§ 3. That, for the purposes of organization, the following persons, viz: M. C. McLain, Eli Wiley, W. L. Terrill, Isaac Winter, William W. Fisher and Simeon H. Nesbit shall be and are hereby made and constituted a board of education for said district, until the next regular time of holding elections for school directors established by the general school law of this state, and until their successors are elected and qualified; at which time the qualified electors of said district shall, upon the usual notice being given,

Elections.

elect six (6) members of said board, who, with their successors in office, shall compose and constitute said board of education, and first incorporators under this act, two of whom shall serve for one year, two for two years, and two for three years. The time that each shall serve shall be designated on the ballots cast, and annually thereafter there shall be chosen, in the same manner, two members of said board, each of whom shall serve for the period of three years, and until their successors are elected and qualified. Such intermediate vacancies as may occur in said board shall be filled by the remaining acting members, until the next annual election, when such vacancy or vacancies shall be filled by the electors of said district.

Classification of
board.

§ 4. That said first-mentioned board, within ten days after the taking effect of this act, shall meet, and, after having each taken an oath to properly and faithfully perform the duties of member of said school board, and to support the constitution of the United States, and state of Illinois, organize by appointing one of their number president, and one clerk, and appointing some person not of their number treasurer, but who shall be a resident of the district. That said treasurer shall hold his office during the pleasure of the board, and, before entering upon the duties of such office, shall give a bond, payable to the said board of education of the Charleston Union school district, in such sum, not less than double the amount which may probably be in his hands at any one time, and with such security as may be approved by said board, and to be kept by them, conditioned for the faithful discharge of all his duties as such treasurer; and the said subsequent board, chosen or elected as herein provided, shall meet within ten (10) days after their election, and take the oath, and organize in accordance with this section.

Organization.

§ 5. That said board may hold stated meetings at such times and places, in said district, as they may appoint; four members of said board, at all meetings thereof, constituting a quorum to do business; the president having a vote only in case of a tie; that special meetings may be called at any time, by the president or any two members, by giving one day's notice of the time and place of the same: *Provided*, that if the president of the board shall be absent from any such meetings, a temporary president may be appointed; and said board may pass and enforce such by-laws, rules and regulations for their own government, and for the government of the clerk and treasurer, not inconsistent with this act, as they may deem proper; and, by resolution, shall direct the payment of all moneys that shall come into the hands of the treasurer; and no money shall be paid out of the treasury, except in pursuance of such resolution, and on written order of the president, countersigned by the clerk.

Stated meetings

Proviso.

By-laws.

Payments.

Division of
school funds.

Commissioners.

Duties of.

Funds.

Control of funds

Reports.

§ 6. All school lands, school funds and other real or personal estate, notes, bonds or obligations, belonging to township number twelve (12) north, of range number nine (9) east of the third principal meridian, in the county of Coles, and state of Illinois, held or owned for school purposes by said township, shall be divided between the said Charleston Union school district, and the portion of the said township without the same, in the proportion and manner following, to-wit: The school trustees of said township shall, within thirty days after the taking effect of this act, appoint two commissioners who are freeholders, one a resident of said district, the other a resident of said township, without said district, who, after being duly sworn to well and truly discharge their duties, shall ascertain the whole number of persons under the age of twenty-one years, residing in the whole of said district, and the whole number in said township without said district, and the whole number within said township; and thereupon said trustees shall divide and apportion said funds, real and personal estate, notes, bonds and obligations of said township between the said district and the balance of said township without said district, in the proportion of the whole number of persons under twenty-one years of age in each shall bear to the number in the whole of said township. Said trustees shall have power to supply any vacancies occurring among said commissioners, and compensate them for such services, in such amount as they shall deem proper and right.

§ 7. Said trustees, or other person or persons, having control or custody of said funds, property, bonds or obligations, shall, upon such divisions being made, pay over, assign, transfer and deliver to the board of education of Charleston Union school district, the portions of the funds and other personal estate, notes, bonds and obligations, to which said school district may be entitled, and execute and deliver to said board of education the necessary deeds and other conveyances for the share of real estate due said district under such divisions; which funds and other personal and real estate, notes, bonds and obligations, shall be and remain under the full and entire control and power of the said board of education, for the use and benefit of said district, subject only to the provisions of the general school law of this state, defining the powers and duties of school trustees.

§ 8. The board of education of such district is hereby required to make out, and cause to be made out, and furnished to the school superintendent of said Coles county, an abstract of the whole number of white children under the age of twenty-one years, at the times and in the manner required by law of other school officers, under the general school law of this state; and said superintendent, or other proper officer, shall pay to the treasurer of said district, its

proportion of the school, college and seminary fund, of the two mill tax, interest, fines and other moneys or special taxes, distributed according to the laws in force, for each apportionment or distribution, treating such district, for this purpose, the same as a township.

§ 9. The said board of education shall establish and maintain a sufficient number of free schools for the education of every person residing in said district, over the age of six years and under the age of twenty-one years; and shall make the necessary provisions for continuing said schools in operation not less than eight months nor more than ten months in each year; and for the purpose of more successfully accomplishing this end, the said board shall have power:

First.—To rent, lease or purchase grounds and sites for school buildings. Schools. Grounds.

Second.—To hire, purchase or erect, in accordance with the provisions of this act, houses and buildings to be used for school purposes, and to keep the same in proper repair. Buildings.

Third.—To furnish the schools in said district with all the necessary fixtures, furniture and apparatus. Furniture, etc.

Fourth.—To establish in said district as many primary schools and those of higher grades, as said board shall deem proper; to determine the branches or studies to be taught in each department or grade, and to prescribe and enforce rules and regulations for the admission of pupils into the same, and for the promotion from one grade or department to another; and also to determine the text books and other articles to be used therein. Primary schools

Fifth.—To hire and appoint all the teachers of said schools, establish rules respecting their qualifications, and how the same shall be determined; fix the amount of the salary or compensation of each teacher, and may dismiss any teacher at any time: *Provided*, that nothing herein contained shall be so construed as to supersede the necessity of every teacher first procuring a certificate from the county superintendent of common schools, as is now required by the general school law of this state. Teachers, etc. Proviso.

Sixth.—To lay off and sub-divide said district into as many sub-divisions for school purposes, as circumstances and the interests of schools therein may be thought to require, and from time to time to change the same, or create new ones. Subdivisions.

Seventh.—To appoint three persons whose duty it shall be to conduct all examinations of pupils for admission to any department or grade of said schools, or for promotion therein, and to appoint other officers, committees or agents, as they shall deem best or most conducive to the interests of said schools. Examination of pupils.

Eighth.—To have the power to suspend or expel pupils for disobedient, refractory, incorrigibly bad conduct, or for Suspension and expulsion.

a failure to comply with all the rules and regulations adopted by said board for the government of said schools.

Management.

Ninth.—To have and possess all the rights, powers and authority necessary for the proper management of schools and school funds, and the carrying out the true spirit and intent of this act, and that may be necessary to establish and perfect a good and thorough system of public instruction in graded free schools in said district.

Additional powers of board.

§ 10. The said board, in addition to the powers now given by law to school directors, and the powers herein granted, shall possess all the powers and privileges of trustees of townships for school purposes; and shall be recognized and regarded by the school superintendent, county clerk, and all other officers of this state, as possessing all the powers, privileges and rights of trustees of congressional townships of this state, and are hereby required to perform for said district all the duties of such trustees, as well as those of directors, not inconsistent with this act.

Funds needed.

§ 11. It shall be the duty of the board of education, and they shall have full power to determine the amount of money needed and to be raised for school purposes for each year, over and above the amount derived from the school funds heretofore enumerated, or from other sources, and to levy the same annually on the taxable property of the district, and have it collected in the same manner as other school directors do, under the general school law; which levy or tax shall not, in any one year, exceed two per centum of the assessed valuation of all the property in said district, subject to taxation therein.

Indebtedness.

§ 12. Said board may also at any time when they may deem it necessary, borrow any sum or sums of money, for a time not exceeding one year, and at a rate of interest not exceeding ten per centum per annum, to be expended for general school purposes, for purchasing school house sites, and for repairing and improving school buildings: *Provided*, that the total amount of moneys so borrowed and unpaid at any one time shall not exceed one per centum of the assessed valuation of the real and personal property subject to taxation in said district.

Proviso.

School houses.

§ 13. That whenever said board of education shall deem it necessary to purchase or erect a school house or school houses, and other necessary buildings, for this said district, they shall call a meeting of the legal voters in said district, by giving at least ten (10) days' notice of the time and place and object of said meeting, by posting up, or causing to be posted up, at least three written or printed notices, in three of the most public places in said district; and the president of said board, or in his absence, one of the other members shall act as chairman of said meeting, and after appointing some one of their number clerk, may determine by a majority vote upon the erection of a school house or school houses, and other build-

ings, and the amount of money to be raised for that purpose, and the time or times when the same shall be paid, which moneys, so voted, shall be levied by said board, and collected from year to year, in such amounts each year as shall have been determined by said meeting, the same as other taxes are collected for school purposes: *Provided*, that said levy shall not exceed for any one year three per centum of the assessed value of the taxable property of said district; and the said board of education, for the purpose of raising the money so voted, may issue bonds, which shall be executed by the president and clerk, in sum not less than one hundred dollars each, bearing interest not exceeding ten per centum per annum, and running for such times as may be necessary.

Cost of, etc.

Proviso.

Bonds.

§ 14. All persons over the age of six (6) years, and under the age of twenty-one (21) years, shall be admitted into said schools free: *Provided*, said board may, at their option, have power to charge and collect a reasonable tuition fee from each pupil that pursues the study of any other language therein than the English or German; and said board shall have power to admit persons who do not reside in said district, or who are over twenty-one years of age, into said schools, upon such terms as they may deem proper; but nothing herein contained shall be so construed as to prevent persons from being suspended, expelled, or kept out of such schools altogether, for the reasons hereinbefore mentioned.

Admission of pupils.

Proviso.

§ 15. Neither the treasurer nor any member of the board shall receive any compensation for his attendance at the meetings of the same, nor for the performance of its ordinary duties, but for extraordinary services reasonable compensation may be allowed, the board to determine what are extraordinary services, and what is reasonable compensation therefor.

Compensation of board.

§ 16. It shall be the duty of the president and clerk to sign all papers and documents of said board, and the same are hereby declared legal and binding when so signed.

Official signatures.

§ 17. All the acts of the school directors of districts numbers one (1) and five (5), in township twelve (12) north, range nine (9) east, in said county of Coles, and state of Illinois, in relation to schools, the building or repairing school houses in either of said districts, and the levy of the tax therefor, and all the proceedings thereunder, together with all the contracts and obligations heretofore entered into for school purposes by the said directors of either of said districts numbers one (1) and five (5), are hereby legalized and confirmed and made binding upon the district created by this act, and shall be carried out and enforced by this board.

Acts legalized.

§ 18. For any neglect or failure, (except through sickness of himself or family) by any member or treasurer of said board of education, to fulfill and perform the duties

Board of education—penalties for neglect of duty.

required of or imposed upon him by any of the provisions of this act, he shall be liable to a penalty of ten (10) dollars for each default, to be recovered by an action of debt, at the suit of any person who may complain ; one-half of said fine to go to the informer, the other half to be paid to the treasurer of said district.

Treasurer's duties—reports.

§ 19. The treasurer shall, as often as required by the board, make due and full report to them—which report shall be open to the inspection of any citizen of said district—of the financial condition thereof, giving the amount of money on hand, and from what sources derived, the amounts paid out since the last report, and for what purposes, and such other items as the said board or general school law may require.

Present directors.

§ 20. The present directors of said district one (1) and five (5) shall be the directors of this contemplated district from the taking effect of this act until the proper organization of said board is effected thereunder.

Conflicting acts repealed.

§ 21. All prior acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 22. This act is hereby declared to be a public act, and shall take effect and be in force from and after the first (1st) day of April, in the year of our Lord one thousand eight hundred and sixty-seven.

APPROVED March 1, 1867.

In force Feb'y 23, 1867.

AN ACT to divide the school funds of certain townships herein named.

Division of funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fund known as the common school fund of township seven (7) north, in range two (2) east, and township number eight (8) north, in range two (2) east, of the fourth principal meridian, in Fulton county, shall be and the same is hereby divided, a part thereof being set apart and assigned to the town known and designated as the town of Ellisville, and comprising a part of each of the above named townships.

Superintendent

§ 2. The county school superintendent of Fulton county is hereby empowered and directed to make a just and equitable division of the school fund now belonging to the respective townships mentioned in the first section of the act, and assign to the town of Ellisville its just and equitable proportion of said fund now belonging to the respective townships mentioned in the first section of this act ; the basis of the division of said fund shall be the relative number of school scholars, between the ages of six and twenty-

one years, residing within the limits of each of the respective towns mentioned in this act, as ascertained by the last enumeration.

§ 3. The town of Ellisville is hereby empowered to elect such officers at such times and in such manner as is now provided by law for the election of like officers in other towns in Fulton county: *Provided, however,* the town of Ellisville may elect such officers at their next annual town meeting, and the officers so elected shall hold their offices until the time for the election of such officers as is now provided by law.

Election of officers.

This act shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the Chicago Sunday School Union.

In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edwin S. Skinner, J. L. Pickard, W. E. Clifford, Edward Eggleston, E. Payson Porter, Sheppard Johnston, V. W. Whittle, J. W. Dean, Oliver Williams, J. C. Harris, T. S. Fauntleroy, W. B. Truax, A. Madison and C. R. Blackall, of the county of Cook, and their associates and successors, are hereby constituted a body politic and corporate, by the name of "The Chicago Sunday School Union," and by that name shall have perpetual succession, with power to make, have and use a common seal, and the same to alter or renew at pleasure, to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of competent jurisdiction, and shall have all other powers and privileges necessary to fulfil the objects of their incorporation.

Corporators.

Name.

Powers.

§ 2. The objects of said corporation shall be to unite evangelical christians throughout Cook county and elsewhere, in the sabbath school work; to increase the efficiency of schools already existing; to encourage and assist in the formation of new schools wherever needed; to diffuse sabbath school information; to elevate the standard of teaching; to promote social intercourse among sabbath school workers, and to further the cause in any other way deemed practicable or expedient by the managers thereof.

Objects.

§ 3. The said corporation shall have power to adopt such articles of constitution and by-laws, not inconsistent with the constitution of this state or of the United States, elect such officers, and appoint such agents as may be deemed necessary to carry out the purposes of the organization.

Constitution and by-laws.

Property.

§ 4. The said corporation shall have power and authority, and are hereby authorized to purchase or receive, by gift or otherwise, hold or convey real estate or other property, for the benefit of said corporation, to an amount not exceeding one hundred thousand dollars. The property purchased and held by the said incorporation, for the uses and purposes aforesaid, shall not be subject to taxation.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y
28, 1867.

AN ACT to incorporate the Davis Union School District.

Designation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the territory now constituting school district number ten, township number twenty-eight north, range nine east of the fourth principal meridian, in the county of Stephenson and state of Illinois, be and the same is hereby incorporated, and hereafter designated as "The Davis Union School District."

Board of educa-
tion--elections

§ 2. The government of said district for school purposes shall be vested in a board of three persons, to be styled "The Board of Education of the Davis Union School District," and whose terms of office respectively shall be for three years, and until their successors shall be elected and qualified; one member of said board to be elected annually, as hereinafter provided, on the first Monday of June in each year. The present school directors of district number ten, in township twenty-eight north of range nine east of the fourth principal meridian, county of Stephenson and state of Illinois, shall be and are hereby constituted the first board of education of said district. On the first Monday of June next, an election shall be held of the legal voters in said district for the election of one member of said board in the place of the present school director whose term of office will next hereinafter expire; and on the first Monday of June, 1868, in like manner, an election shall be held for the election of a member of said board in the place of the school director whose term will then next expire; and on the first Monday of June, 1869, in like manner, an election shall be held for the election of a member of said board in the place of the school director whose term will then next expire, and annually thereafter one member of said board shall be elected as aforesaid. Notices for all elections of said district shall be given by the board of education, or by the clerk thereof, at least ten days previous to

Notice of elec-
tion.

such election. Said notices shall specify the time and place of holding such elections, and may be given by posting in three of the most public places in said district, or by publication in one or more of the newspapers of said county. Said notices shall also specify the time of opening and closing the polls of such elections. Two members of said board of education shall act as judges, and one shall act as clerk of said elections; but if said members shall fail to attend, or refuse to act when present, the legal voters when assembled shall choose two of their number to act as judges and one as clerk of said election. If for any cause said elections shall not be held on the regular days above named, such election may be ordered as aforesaid, and be held on any subsequent Monday, notice thereof being given first, as aforesaid. In case of a tie the judges shall decide it by lot, on the day of election. So soon after each annual election as practicable, the said board shall appoint some legal voter of said district an alternate member thereof, and in case of a vacancy in said board, or of the absence of a regular member from the district, said alternate shall have all the powers and perform all the duties of a regular member during said absence, or until said vacancy is filled by an election. The members of said board shall severally take an oath to discharge the duties of said office to the best of their knowledge and ability. Legal voters at general elections, only, shall be authorized to vote at school elections in said district. After every election of members of said board, the judges of the election shall cause the poll book to be filed with the clerk of said board, with a certificate thereon, showing the names of the persons elected, and which shall be evidence of said election.

Duties and powers of members

Qualification of voters.

§ 3. Said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of the Davis Union School District," and may have a common seal, and as such may contract and be contracted with, sue and be sued, plead and be impleaded, in and before any tribunal having competent jurisdiction.

Name and style

Powers.

§ 4. It shall be the duty of said board to hold quarterly sessions, on the second Tuesday of April, July, October and January of each year; and they may meet by adjournment, at such other times as they may think proper; and the president of the board, or any member thereof, may call a special meeting of the board, by giving a verbal notice of the time and place and object thereof, or leaving a written notice thereof at the residence of the other members of the board; and at all the meetings, a majority of members shall be a quorum to transact business. Said board shall organize by appointing one of their number president. They shall also elect a clerk, who may be a member of the board, and a treasurer, who shall not be a member of the board, who shall hold their respective offices during the

Meetings.

Quorum.

Clerk—duty of.

Presiding officer.	pleasure of the board, and until their successors shall be elected and qualified. It shall be the duty of the president, when present, to preside at all meetings of the board; and it shall be the duty of the clerk to be present at such meetings, and to record, in a book to be provided for that purpose, all the official business of said board; which record shall be public, and open to the inspection of any person interested; and all said proceedings, when recorded, shall be signed by the president and clerk, and a copy thereof, certified by the clerk, shall be <i>prima facie</i> evidence of such proceedings in courts and other places. If the president or clerk be absent, the board may appoint a president or clerk, <i>pro tem</i> . The treasurer shall execute to said board an official bond, with good and sufficient securities—such bond to be approved by the board, in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all the moneys that will, at one time, be in his hands, and conditioned for the performance of his duty as treasurer, and especially, faithfully to keep, and, from time to time, to pay over, all moneys that he shall receive as such treasurer, as he shall be directed by order of the board, or required by law to do. He shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out by him, for what purpose, and whose account; but he shall pay out no money except on order of the board; for all moneys paid out, he shall take and file, with the papers of his office, proper vouchers; and he shall settle his accounts with the board at least once in each year, and oftener if the board shall so require.
Proceedings.	
Officers, pro tem	
Bonds.	
Treasurer's duties.	
Compensation of board.	§ 5. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties; but for extraordinary services reasonable compensation may be allowed—the board to determine what are such services, and the compensation therefor. The clerk and treasurer shall receive such compensation as the board shall prescribe.
Disposition of funds.	§ 6. The treasurer shall, under direction of the board, demand and receive of the officer or officers having the custody thereof, any interest or other money, from any school fund or other source, to which said district, or any part thereof, or the schools or the teachers therein, would be entitled if this act had not been passed; and the money so received from such funds or sources shall be placed in the treasury, to be used and expended, under the order and direction of the board, for the support of schools and for school purposes, in the same manner as other funds as shall come into the treasury by taxation or otherwise.
Control of funds	§ 7. Said board of education shall be the legal successors of the school directors of district No. 10, township 28 north, of range 9 east of the 4th r. m., and shall have the

entire and exclusive control of all school funds of said school district, or any part thereof, whether consisting of a portion of the school, college, seminary or township funds belonging and to belong to said district, or any part thereof, or derived from taxation, loans, interest or otherwise, to be used by them as provided in this act; and they may receive any gift, grant, donation, devise, bequest or legacy made for the use of any school or schools, or library or other school purposes within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all lands, lots, school houses, school libraries, apparatus, and other property belonging or appertaining to the common schools of the district, or any of them, or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interests of schools or the cause of education, and not inconsistent with the provisions of this act; and when, in their opinion, it may be for the interests of said district to sell any lot or tract of land or buildings belonging to said district, or any part thereof, said board may sell and convey the same in the name of the board; and such conveyance, as well as all other conveyances, contracts or assignments of the board, shall be executed by the president and clerk of the board of education of said district; and the moneys of all sales and assignments shall be paid to the treasurer of the board, for the benefit of the schools; and all conveyances of real or personal estate and assignments of choses in action which may be made to said board shall be made to said board in its corporate name; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools, and such real estate as may be purchased under any sale upon execution or decree in favor of said board, or in satisfaction of any debt due said board, and at any time thereafter may sell and convey the same.

Custody of
lands.Conveyances of
lands.Possession of
real estate, etc.

§ 8. For the purpose of erecting school houses, purchasing school house sites, or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money, at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor in sums of not less than one hundred dollars, which bonds shall be executed by the president and clerk of said board, in the name of the board: *Provided*, that the bonds issued by said board and outstanding shall not at any time exceed one per centum of the assessed value of the real and personal property of said district.

Indebtedness.

§ 9. Said board may also, at any time when they deem it necessary, borrow any sum or sums of money for a time not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum, to be expended for general

Disposition of
funds, etc.

Proviso.

school purposes: *Provided*, that the total amount of money as borrowed and unpaid shall not at any time exceed one-half of one per centum of the assessed value of the real and personal property of said district; and for the payment of the moneys so borrowed the proceeds of taxes first paid into the treasury thereafter, and not especially appropriated by law, are hereby specifically pledged, and shall be applied in payment of the sums so borrowed in preference to any other debt.

Judgments.

§ 10. If any judgment shall be obtained against said board, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which said judgment shall be obtained, or to which said judgment shall be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ commanding the board of education and the treasurer of said district to cause the amount thereof, with ten per cent. interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated of said district; and if there be no such moneys, out of the first moneys received for the use of said district; and to enforce obedience to such writ by attachment or by mandamus requiring said board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payment of a judgment, shall be served either on the president or clerk of said board.

Taxation.

§ 11. Said board shall, on or before the first day of August in each year, cause to be raised by taxation, for school purposes, including the payment of any debts due or during the ensuing year to become due from said district, such an amount as they shall estimate will, together with the available means accruing from other sources, be required for school purposes in said district for the ensuing year, and shall determine, as nearly as practicable, what rate per cent., not to exceed three per cent. unless the debts to be paid require it, on all the taxable property in said district, must be levied to raise the amount so estimated, and shall make an order therefor, and the clerk shall enter the same upon the records of the board. It shall be the duty of the clerk of said board to make out a certified copy of said order, signed by the president of the board and attested by the clerk, and within ten days of the passage of said order present the same to the clerk of the board of supervisors of Stephenson county. The tax so levied by said board shall be assessed and collected in the same manner, and at the same time, and by the same officers, as state taxes are assessed and collected within the limits of said district, and the proceeds paid to the treasurer of said board, after deducting therefrom one-half the per centage allowed for assessing and collecting state taxes.

§ 12. Said board of education shall transact all business which may be necessary in relation to common schools in said district.

First.—They shall establish a sufficient number of common schools for the education of every person residing in said district over the age of five years and under the age of twenty-one years, and shall make the necessary provisions for continuing said schools in operation at least eight months, or for such term as said board may think proper.

Number of schools.

Second.—They shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with fuel, furniture and apparatus, and may cause such building or other property to be insured, and shall make all other provisions relative to schools which they may deem proper.

Ground sites.

Buildings.

Furniture, etc.

Third.—They shall exercise general supervision over the common schools of the district, and shall, by one or more of their number, or by their agent or agents, visit each one of said common schools at least once a month, while they are in operation.

General powers.

Fourth.—They shall appoint all the teachers of said common schools, establish rules respective to their qualifications, and how the same shall be determined; fix the amount of salary or compensation, and may dismiss any teacher at any time.

Teachers.

Rules, etc.

Compensation of teachers.

Fifth.—They may direct what branches of learning may be taught and what books may be used in each school: *Provided*, that instruction in said school shall be conducted in the English language.

Learning.

Sixth.—They shall have power to establish schools of different grades and the rules and regulations of admission of pupils into the same, having regard for the qualifications of the pupils; and they may suspend or expel from the schools any pupil found guilty, on a full examination and hearing, of refractory or incorrigibly bad conduct.

Grades.

Seventh.—They may lay off and divide said district into local districts, and from time to time alter the same or create new ones, as circumstances may require.

Local districts.

Eighth.—They may appoint a board of three persons in each local district, to be denominated district directors, and prescribe, by established rules and regulations, the powers and duties of such directors, and remove them at their pleasure.

District directors.

Ninth.—They may appoint such other officers, committees or agents as they shall deem best and most conducive to the well-being of the schools and school education in said district.

Officers, agents, etc.

Tenth.—And generally, they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and school funds, with the

Rights, powers, etc.

power to make all such rules, orders and ordinances as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instruction and common schools in said district.

Teachers' duties § 13. The several teachers of said public schools shall keep schedules of the pupils attending the schools, as is now required or may hereafter be required of teachers of schools by law; and the said board of education shall make return and report to the state superintendent of public schools, or other proper officer, on all such matters and things as are or shall be required by law, and the direction of such superintendent or other proper officer of any county or township officers, and shall make such other reports as persons having the control of public schools are or may be required to make by virtue of any law of this state.

Board's neglect of duties. § 14. For any neglect or failure by the said board, or of any member thereof, to fulfill the duties required of or imposed upon them by any of the provisions of this act, they shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, at the suit of any person who may complain. And any member of said board who shall appropriate to his own use any of the funds that may come to his hands or under his control, belonging to said district, for school purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, and imprisonment in the county jail not exceeding one year.

Penalties applied to officers. § 15. The provisions of the last preceding section shall be held to apply to the clerk, treasurer or any other officer or agent elected or appointed in pursuance of this act.

Acts repealed. § 16. All prior acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed; and any act of the general assembly now in force, or hereafter enacted, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alterations or change.

§ 17. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED February 28, 1867. ●

In force Feb'y 28, 1867. AN ACT for the establishment of a system of Graded Schools in Nauvoo, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all the territory of townships six (6) and seven (7) north, range nine west of the fourth principal meridian, in Hancock county*

and state of Illinois, is hereby erected into a common school Name. district, to be known as "The Nauvoo School District."

§ 2. The care and superintendence of the common schools within said district, together with the funds and estate, both real and personal, belonging to and which may be conveyed to said district, shall devolve upon a board of education for said district, and they shall have the exclusive management and control of said schools, and of said real and personal funds and estate.

§ 3. The said board of education shall consist of six members, who shall be legal voters and house holders of said district, and they shall be elected by the legal voters of said district, and they shall hold their offices for three years from the day of their election, and until their successors are elected, except that of the board first elected under this act, two shall retire from office at the end of the first year, two at the end of the second year, and two at the end of the third year, and the period of their said retirement shall be determined by lot among said members. An election shall be held, annually, on the first Monday in August, at the first of which six members of said board shall be elected, and at each election thereafter there shall be elected successors to those whose terms are about to expire, and to fill the unexpired terms of those members whose places in said board have become vacant during the year preceding, by reason of death, resignation or removal from said district, and said board of education shall have power to fill all vacancies so occurring until the ensuing annual election. Notice of these annual elections shall be given by the clerk of said board, by posting up written notices of the time and place of said elections, and the officers to be elected, and the questions to be determined thereat, in three of the most public places of said district, at least ten days before such election is to take place; and the first election under this act shall take place on the first Monday in August, A. D. 1867, and the notice thereof shall be given by the acting clerk of the present board of directors for said district; and until said first election the present boards of directors and trustees of said district shall hold their present offices, and all their acts shall be of legal force and effect. Said election shall be conducted in the manner provided for the election of school trustees by the "Act to establish and maintain free schools," approved February 16; A. D. 1865.

§ 4. Said board are hereby created a body corporate and politic, by the name of "The Board of Education of the Nauvoo School District," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, and have perpetual succession and a common seal, and the same alter and change at pleasure, and they may exercise all the powers, be subject to the same penalties and enjoy the same franchises that

conveyances.

Proviso.

Proviso.

Meetings.

Rules and regulations.

Officers.

Proviso.

Actions.

school trustees of townships and boards of directors of school districts generally may do, or be by any law now in force or that may be hereafter passed; and they are hereby empowered to receive conveyances of real estate by their corporate name, and also to convey the same by said name; and all such conveyances shall be executed and acknowledged by the president of said board, and attested by its seal and the signature of the clerk: *Provided*, that all such conveyances shall be authorized by a resolution of said board: *And, provided, further*, that all sales and conveyances of school houses and grounds pertaining thereto shall be determined upon by a majority of the legal voters of said district, upon the submission of such sale to them at an annual election, by said board.

§ 5. Said board shall hold stated and regular meetings once in each month, the time to be designated by the rules of said board; and said board may make from time to time all needful rules and regulations for their own government and for the government of all officers and agents elected or appointed by said board, and for the custody, care and management of all the schools, school funds and school property belonging at any time to said Nauvoo school district; and all such rules shall have the force and effect of ordinances passed by the council of a city, and shall be recorded by the clerk of said board, and a copy thereof, certified by said clerk, under seal of said board, shall everywhere be received as evidence of the passage of said rules, which shall be enforced from the time of their passage.

§ 6. Said board shall annually, at their stated meeting in August, elect one of their number president, who shall preside at all the meetings of the board, if present, and perform such other duties as may be imposed upon him by the rules of said board; and they shall also elect a treasurer and clerk, who shall not be members of said board, and said treasurer shall be treasurer of the school funds of said district; and they may also elect a superintendent of schools of said district, who may or may not be one of their own members, and appoint such agents and committees as the necessities of said district may seem to require, and adopt rules determining their duties and compensation; and all such officers so elected shall hold their offices for one year from said August meeting, and until their successors are elected and qualified, unless sooner removed by said board for adequate cause: *Provided*, that the members of said board shall in no case receive any compensation for their services as such, but shall render their services for public good.

§ 7. All actions and rights of action which have accrued or may hereafter accrue to any person or corporation for the benefit of the said Nauvoo school district, are hereby vested in said board of education.

§ 8. Said board of education, or a committee thereof, shall examine all applicants to teach in the public schools of said district in relation to their qualifications to teach, and if satisfied that such applicant is qualified to teach such branches as he or she is required to teach, said board shall give such person a certificate of qualification, signed by the president, but may revoke the same for adequate cause. Said board shall elect all instructors in the public schools of said district, and determine their duties, time of service and compensation, and may remove the same at any time, for adequate cause, by a rule adopted for that purpose.

Duties of board.

§ 9. A majority of said board shall constitute a quorum for the transaction of business. It shall be the duty of said board to cause an abstract of the whole number of white children, under the age of twenty-one years, within said district, to be published, with such further information as is required in sections 36 and 79 of the act to establish and maintain a system of free schools, approved February 16, A. D. 1857, to the school commissioner of Hancock county, within ten days after the same shall have been ascertained; and the school commissioner shall pay, annually, to the treasurer of said board, the amount said district is entitled to receive from any funds that are or may be in his hands, subject to distribution for the support and benefit of schools in said county, in accordance with the provisions of all laws that have been or may be passed, the same as if no special charter had been conferred upon said Nauvoo school district.

Quorum.

Abstract of children.

Payment of funds.

§ 10. Said board shall have full power to purchase or lease any grounds for school houses; to erect, hire, purchase, finish and keep in repair sufficient buildings for school purposes; to furnish schools with necessary books, fixtures, furniture, apparatus and libraries; to establish and maintain a system of public graded schools in said district, and to prescribe the studies to be taught and the books to be used therein; to pass by-laws and rules to carry these powers into complete execution; to supply the insufficiency of school funds for payment of teachers, and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided.

Grounds, etc.

Books, apparatus, etc.

§ 11. It shall be the duty of said board, and they shall have full power, to determine the amount of money needed to maintain the public schools of said district free to all the children therein, between the ages of six and twenty-one years, and for paying all expenses of the same, of every description, for each school year, over and above the amount of money from school funds and all other sources, and they shall designate the same "school tax;" and it shall in like manner be the duty of said board, and they shall have full power, to determine the amount of money needed at any time for the purpose of purchasing, leasing or improving

Money needed.

School taxes.

School house
tax.

Assessments—
rate of.

Taxes, etc.

Clerk's duties.

Treasurer.

Bond.

grounds for school purposes, or for purchasing, leasing, building, finishing, repairing, improving or insuring school houses, or for procuring furniture, libraries or apparatus therefor, and they shall designate the same "school house tax;" and it shall be the further duty of said board, at any meeting prior to the second Monday of September, annually, to ascertain the rate per cent. upon the assessment of property in said township for state and township purposes for that year, needed to be levied to raise the amount of school tax determined upon, and what rate per cent. upon the same will need to be levied to raise the amount of school house tax determined upon; which rate or rates per cent., respectively, the president and clerk of said board shall certify, under the seal of said board, and make return thereof to the clerk of Hancock county on or before the second Monday of September, annually; and it shall be the duty of said clerk to extend the said tax or taxes, in one column, under said name of "school tax," according to said rate or rates upon the collector's books for that year, for said township of Nauvoo, or for said Nauvoo school district; and the said taxes shall be collected as other taxes are or may be; and the township collector shall pay over such school tax and school house tax to the treasurer of said board at or before the time for him to return his books; and all delinquent taxes collected, or redemptions made from tax sales, shall, to the extent of said taxes and the redemption made thereon, be paid over by the officers receiving the same to the treasurer of said board, on demand.

§ 12. The clerk of said board shall keep a record of all its proceedings, and have custody of the seal, and attest, with his signature and the seal of the board, all official acts authorized by the board and signed by the president; and perform such other duties as may be imposed upon him by the rules of said board.

§ 13. The treasurer elected by said board shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of education for which he is elected treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of treasurer of said board according to law; and the securities shall be approved by a majority of said board, and the bond shall be filed and kept by the clerk of said board. Each treasurer so elected shall have custody of all bonds, notes, mortgages, moneys and effects denominated principals, as well as all school moneys and funds for distribution belonging to said Nauvoo school district; and the penalty of said treasurer's bond shall be twice the amount of said bonds, mortgages, notes, moneys and effects, as near as can be ascertained; which bond shall be in the following form:

STATE OF ILLINOIS, }
HANCOCK COUNTY. } ss.

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the board of education of the Nauvoo school district, in the penal sum of — dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof, we have hereunto set our hands and seals, this — day of —, 18—. Form

The condition of the above obligation is such, that if the above bounden A. B., treasurer of the board of education of the Nauvoo school district, aforesaid, shall faithfully discharge all the duties of said office, according to the laws that now are or may hereafter be in force, and the rules of said board, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such treasurer, then this obligation to be void; otherwise to remain in full force and effect.

§ 14. Said board of education shall have power to prescribe the mode of keeping the treasurer's books, and make such rules regulating his conduct as treasurer as they may deem proper, not inconsistent with this act. Mode of keep-
ing treasurer's
books.

§ 15. At the stated meetings of said board in April and October of every year, the treasurer shall lay before the board of education a statement, showing the amount, proceeding from special taxes and other sources, that has come into his hands since the last half-yearly meeting; how much has been paid out, and for what purpose, and the amount on hand. He shall also lay before said board all books and papers in his custody, for examination by said board at said half-yearly meetings, and make such other statements and exhibits, from time to time, as said board may require, touching the duties of his office. Statement of
condition.

§ 16. When a treasurer shall resign, remove from said district, or be removed from said office, and at the expiration of his term of office, he shall pay over to his successor in office all moneys on hand, and deliver over all books, papers and documents of every description, in which said board may have any interest whatever, within his care, custody or control; and in case of death of said treasurer, his securities and legal representatives shall be bound to comply with the provisions of this section; and for non-compliance, he and they shall be liable to a penalty of not less than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining and payment of said judgment shall in nowise discharge or diminish the obligation of his official bond. Vacancy.

Treasurer's se-
curities.

§ 17. All school funds paid in to said treasurer, or coming into his hands, shall be paid out only on the order of the board, signed by the president, and attested by the signature of the clerk of said board; and for all payments made, receipts shall be taken and filed by said clerk; and said orders and receipts shall show the purposes for which and on what account said orders were drawn; and the treasurer, upon the payment of each order, shall take it up, cancel it, and file it up in his office.

Privileges al-
lowed to other
children.

§ 18. The board of education may permit children not belonging to said district, and also persons over the age of twenty-one years, to enjoy the advantages of the schools of said district, but shall in all such cases tax a reasonable sum as tuition.

§ 19. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 28, 1867.

In force Feb'y
23, 1867.

AN ACT to amend an act entitled "An act to create a school district in the town of Decatur, Illinois, to be known as the Decatur School District."

Disposition of
funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all officers collecting any moneys which rightfully belong to said district, shall pay the same to the treasurer of said district at least once in every thirty days, and in all cases they shall take duplicate receipts from said treasurer, one of which they shall file with the clerk of the board.

Indebtedness

§ 2. For the purpose of erecting school houses, purchasing school house sites, or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money, at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor, in sums of not less than one hundred dollars, which bonds shall be executed by the president and clerk of said board, in the name of the board: *Provided*, that the bonds issued by said board, and outstanding, shall not, at any time, exceed two per centum of the assessed value of the real and personal property of said district.

Returns.

§ 3. In making returns of the attendance of pupils in said district to the state superintendent, or any county or township officer, it shall be the duty of said board to report only the total for such item required in such report of attendance.

Publication of
reports.

§ 4. Said board of education shall cause the report provided for in section fifteen of said act, to be prepared and published as soon as practical after the 31st day of August in each and every year.

Duty of clerk of
board of super-
visors.

§ 5. It shall be the duty of the clerk of the board of supervisors of Macon county to report to the board of education the amount of school taxes assessed in said district; and the collectors of said taxes shall settle with the board of education on or before the 1st day of August in each year. Said collectors shall receive for their services one and one-half per centum on all moneys collected by them.

§ 6. All sections or part of sections of said act in conflict with the foregoing amendments, are hereby repealed. Sections repealed.

§ 7. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to dissolve Union school district number one, in the township of Palatine, Cook county. In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Union school district number one, within the township of Palatine, Cook county, be and the same is hereby dissolved, and that the five school districts forming Union school district number one, be reinstated to the position they occupied before the consolidating of said five districts into Union school district number one, in said township of Palatine. Dissolution.

§ 2. This act shall be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to incorporate Freeport school district.

In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the territory now constituting the city of Freeport, in Stephenson county, Illinois, is hereby constituted a school district, to be known as "Freeport School District." Name.

§ 2. The government of said district, for school purposes, shall be vested in a board of three persons, to be styled "The Board of Education of Freeport School District," and whose term of office, respectively, shall be for three years, and until their successors shall be elected and qualified; one member of said board to be elected annually, as hereinafter provided, on the first Monday of June in each year. The present school directors of district number one, in township number twenty-seven north, of range number eight east of the fourth principal meridian, county of Stephenson, and state of Illinois, shall be and constitute the first board of education of said Freeport school district. Government and officers.
On the first Monday of June next an election shall be held by the legal voters in said Freeport school district for an election of one member of said board of education, in the First board of education.
Elections.

place of the present school director aforesaid, whose term of office will next hereafter expire, and on the first Monday of June, 1868, in like manner an election shall be held for the election of a member of said board in the place of the school director as aforesaid, whose term will then next expire; and on the first Monday of June, 1869, in like manner an election shall be held for the election of a member of said board in the place of the school director as aforesaid, whose term will then next expire, and annually thereafter one member of said board shall be elected as aforesaid.

Term of office. Notice of all elections for said district shall be given by the board of education, or by the clerk thereof, at least ten days previous to such election. Said notice shall specify the time and place of holding such election, and may be given by posting in three of the most public places in said district, or by publication in one or more of the newspapers of said city. Said notice shall also specify the time of opening and closing the polls at such elections. Two members of said board of education shall act as judges, and one shall act as clerk of said election; but if said members shall fail to attend, or refuse to act, when present, the legal voters, when assembled, shall choose two of their number to act as judges and one as clerk of said election. If for any cause such election shall not be held on the regular days above named, such elections may be ordered as aforesaid, and be held on any subsequent Monday; notice thereof being first given as aforesaid. In case of a tie, the judges shall decide it by lot, on the day of election. So soon after each annual election as practicable, the said board shall appoint some legal voter of said district an alternate member thereof, and in case of a vacancy in said board, or of the absence of a regular member from the district, the said alternate shall have all the powers, and perform all the duties of a regular member, during said absence, or until said vacancy is filled by an election at the next annual election. The members of said board shall severally take an oath to discharge the duties of their office to the best of their knowledge and ability. Legal voters at general elections, only, shall be authorized to vote at school elections in said district. After every election of members of said board, the judges of the election shall cause the poll book to be filed with the clerk of said board, with a certificate thereon, showing the names of the persons elected, and which shall be evidence of said election.

Notice of election.

Judges.

Clerk.

Alternate members.

Oath of office.

Certificate of election.

Name and style § 3. Said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of Freeport School District," and may have a common seal, and as such may contract and be contracted with, sue and be sued, plead and be impleaded in and before any tribunal having competent jurisdiction.

Powers.

§ 4. It shall be the duty of said board to hold quarterly sessions, on the second Tuesday of April, July, October and January, of each year, and they may meet by adjournment at such other times as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board by giving a verbal notice of the times and place and object thereof, or leaving a written notice thereof at the residences of the other members of the board; and at all the meetings a majority of the members shall be a quorum, to transact business. Said board shall organize by appointing one of their number president. They shall also elect a clerk, who may be a member of the board, and a treasurer, who shall not be a member of the board, who shall hold their respective offices during the pleasure of the board, and until their successors shall be elected and qualified. It shall be the duty of the president, when present, to preside at all meetings of the board, and it shall be the duty of the clerk to be present at said meetings, and to record, in a book to be provided for that purpose, all the official business of said board; which record shall be public and open to the inspection of any person interested; and all said proceedings, when recorded, shall be signed by the president and clerk, and a copy thereof, certified by the clerk, shall be *prima facie* evidence of such proceedings in courts and other places. If the president or clerk be absent, the board may appoint a president or clerk *pro tem*. The treasurer shall execute to said board an official bond, with good and sufficient securities—such bond to be approved by the board—in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all the moneys that will at one time be in his hands, and conditioned for the performance of his duty as treasurer, and especially faithfully to keep and, from time to time, pay over all moneys that he shall receive, as such treasurer, as he shall be directed, by order of the board or required by law, to do. He shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out by him, for what purpose, and upon what and whose account; but he shall pay out no money, except upon order of the board. For all moneys paid out he shall take and file, with the papers of his office, proper vouchers; and he shall settle his accounts with the board at least once in each year, and oftener if the board shall so require.

Quarterly sessions.

Stated meeting

Quorum.

Organization.

President

Treasurer.

§ 5. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties; but for extraordinary services, reasonable compensation may be allowed, the board to determine what are extraordinary services, and the compensation therefor. The clerk and

Compensation of members of board.

treasurer shall receive such compensation as the board shall prescribe.

Disposition of funds. § 6. The treasurer shall, under the direction of the board, demand and receive, of the officer or officers having the custody thereof, any interest or other money from any school fund, or any other source, to which the Freeport school district or school district number one, hereinafter mentioned, or any part thereof, or the schools or the teachers therein, would be entitled if this act had not been passed; and the money so received from such funds or sources shall be placed in the treasury, to be used and expended, under the order and direction of the board, for the support of schools, and for school purposes, in the same manner as other funds that shall come into the treasury by taxation or otherwise.

Control of funds of school district. § 7. Said board of education shall be the legal successors of the school directors of district number one, township number twenty-seven north, range number eight east, of the fourth principal meridian, and shall have the entire and exclusive control of all school funds of said Freeport school district, or any part thereof, whether consisting of a portion of the school, college, seminary or township funds belonging and to belong to said district, or any part thereof, or derived from taxation, loans, interest or otherwise—to be

Donations, etc. used by them as provided in this act; and they may receive any gift, grant, donation, devise, bequest or legacy made for the use of any school or schools or library, or other school purposes within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all lands, lots, school houses,

Property, etc. school libraries, apparatus, and other property belonging or appertaining to the common schools of the district or any of them, or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interests of schools or the cause of education, and not inconsistent with the provisions of this act; and when, in their opinion, it may be for the interest of said district to sell any lot or tract of land, or building, belonging to said district, or any part thereof, said board may sell and convey the same in the name of the board; and such conveyance, as well as other conveyances, contracts and assignments of the board, shall be executed by the president and clerk of the board of education of Freeport school district, and the moneys of all sales and assignments shall be paid to the treasurer of the board for the benefit of the schools; and all conveyances of real and personal estate and assignment of choses in action, which may be made to said board, shall be made to said board in its corporate name; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools; and such real

Conveyances, etc.

estate as may be purchased under any sale, upon execution or decree in favor of said board, or in satisfaction of any debt due the said board, and at any time thereafter may sell and convey the same.

§ 8. For the purpose of erecting school houses, purchasing school-house sites or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor in sums of not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board, in the name of the board: *Provided*, that the bonds issued by said board, and outstanding, shall not at any time exceed one per centum of the assessed value of the real and personal property of said district. Indebtedness.

§ 9. Said board may also, at any time when they may deem it necessary, borrow any sum or sums of money, for a term not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum, to be expended for general school purposes: *Provided*, that the total amount of money so borrowed and unpaid shall not, at any time, exceed one-half of one per centum of the assessed value of the real and personal property of said district; and for the payment of the moneys so borrowed, the proceeds of the taxes first paid into the treasury thereafter, and not specially appropriated by law, are hereby specifically pledged, and shall be applied in payment of the sums so borrowed in preference to any other debts.

§ 10. If any judgment shall be obtained against said board, the party entitled to the benefit of such judgment may have execution therefor as follows, to-wit: It shall be lawful for the court in which said judgment shall be obtained, or to which such judgment shall be removed, by transcript or appeal from a justice of the peace or other court, to issue thence a writ, commanding the board of education and the treasurer of said district to cause the amount thereof, with ten per cent. interest, and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated of said district; and if there be no such moneys, out of the first moneys that shall be received for the use of said district; and to enforce obedience to such writ by attachment or by *mandamus*, requiring said board to levy a tax for the payment of said judgment; and all legal process as well as writs to enforce payment of a judgment, shall be served either on the president or clerk of said board. Judgments and executions.

§ 11. Said board shall, on or before the first day of August in each year, cause to be raised by taxation, for school purposes, including the payment of any debts due or during the ensuing year to become due from said district, such an amount as they shall estimate will, together with Taxation.

the available means accruing from other sources, be required for school purposes in said district, for the ensuing year; and shall determine, as nearly as practicable, what rate per cent., not to exceed three per cent. unless the debts to be paid require it, on all the taxable property in said district must be levied to raise the amount so estimated, and shall make an order therefor; and the clerk shall enter the same upon the records of the board. It shall be the duty of the clerk of said board to make out a certified copy of said order, signed by the president of the board and attested by the clerk, and, within ten days of the passage of said order, present the same to the clerk of the board of supervisors of Stephenson county. The tax so levied by the said board of education shall be assessed and collected in the same manner and at the same time, and by the same officer, that state taxes are assessed and collected within the limits of said district, and the proceeds paid to the treasurer of said board of education, after deducting therefrom one-half the per centage allowed for assessing and collecting state taxes.

§ 12. The said board of education shall transact all business which may be necessary in relation to common schools in said district.

First.—They shall establish a sufficient number of common schools for the education of every person, residing in said district, over the age of five years and under the age of twenty years, and shall make the necessary provisions for continuing said schools in operation at least eight months in every year, or for such term as said board may think proper.

Second.—They shall cause suitable lots of ground to be procured and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with fuel, furniture and apparatus; and may cause said buildings or other property to be insured, and shall make all other provisions, relative to schools, which they may deem proper.

Third.—They shall exercise general supervision over the common schools of the district, and shall, by one or more of their number, or by their agent or agents, visit each one of said common schools at least once a month, while they are in operation.

Fourth.—They shall appoint all the teachers of said common schools; establish rules respecting their qualifications, and how the same shall be determined; fix the amount of the salary or compensation of such teacher, and may dismiss any teacher at any time.

Fifth.—They may direct what branches of learning shall be taught, and what books shall be used in each school: *Provided*, that instruction in such school shall be communicated in the English language.

Rates, etc.

Assessments
and collections

Schools.

Grounds and
buildings.

Furniture, etc.

General super-
vision.

Teachers, etc.

Books and stu-
dies.

Sixth.—They shall have power to establish schools of different grades, and the rules and regulations of the admission of pupils into the same, having regard to the qualifications of the pupils; and they may suspend or expel from the schools any pupil found guilty, on a full examination and hearing, of refractory or incorrigibly bad conduct. Examination of pupils.

Seventh.—They may lay off and divide said Freeport school district into local districts, and from time to time alter the same or create new ones, as circumstances may require. Districts.

Eighth.—They may appoint a board of three persons in each local district, to be denominated district directors, and prescribe, by established rules and regulations, the powers and duties of such directors, and remove them at their pleasure. Directors.

Ninth.—They may appoint such other officers, committees or agents as they shall deem best, and most conducive to the well being of the schools and school education in said Freeport school district. Officers, agents, etc.

Tenth.—And generally, they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and the school funds, with the power to make all such rules, orders and ordinances as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instruction and common schools in said district. Management.
Rules, etc.

§ 13. The several teachers of said public schools shall keep schedules of pupils attending the schools, as is now required or may hereafter be required of teachers of schools by law; and the said board of education shall make return and report to the state superintendent of public schools, or other proper officer, on all such matters and things as are or shall be required by law and the direction of such superintendent, or other proper officer, of any county or township officers; and shall make such other reports as persons having the control of public schools are or may be required to make, by virtue of any law of this state. Teachers' duties

§ 14. Said board shall, at the end of each school year, cause to be prepared and published, in one or more of the newspapers published in the city of Freeport, a statement, exhibiting the condition of schools for the preceding year; which statement shall be substantially as follows, viz: Annual state-ments.

First.—The whole number of schools which have been taught in said year. Number of schools.

Second.—What number of teachers have been employed in each school—stating the name of each teacher, the time employed, and the compensation paid. Number of teachers.

Third.—The whole number of scholars in all the schools—giving the number of males and females in each school, separately, and the average in attendance. Number of scholars.

Funds.

Fourth.—The amount of all the funds received into the treasury during the year, and the sources from whence it was received—stating the amount received from each source.

Fifth.—The amount paid out—stating, in every case, for what and to whom paid.

Sixth.—The amount and kind of unexpended funds on hand at the end of the year.

Seventh.—A statement of the total amount received and the total amount paid out for school purposes during the year.

Boundaries.

§ 15. All of the territory which, at the time of the passage of this act, or at any time hereafter, may be embraced in the corporate limits of the city of Freeport, shall be included and constitute a part of Freeport school district; and any tract or tracts of land adjoining said district may be annexed to it, on condition that three-fourths of the legal voters residing within the limits of said tract or tracts shall petition the board of education to be annexed to said district, and that their petition shall be granted by the unanimous vote of all the members of said board. Whenever any territory shall be so annexed to and become a part of said district, all the provisions of this act shall be applicable to it, in the same manner as they would have been if it had been embraced within the district at the time of the passage of this act.

Additions.

Neglect of duty.

§ 16. For any neglect or failure by the said board of education, or of any member thereof, to fulfill the duties required of or imposed upon them by any of the provisions of this act, they shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, at the suit of any person who may complain; and any member of said board who shall appropriate to his own use any of the funds that may come to his hands, or under his control, belonging to said district, for school purposes, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and imprisonment in the county jail not exceeding one year.

Application of section.

§ 17. The provisions of the last preceding section shall be held to apply to the clerk, treasurer, or any other officer or agent elected or appointed in pursuance to this act.

Conflicting acts repealed.

§ 18. All prior acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and any act of the general assembly now in force or hereafter enacted shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

§ 19. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to establish the Greenbush School District, in Warren county, In force Feb'y 25, 1867.
Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* Boundaries.
lands contained within the following boundaries, to-wit: Commencing at the northeast corner of the northwest quarter of section thirty-three (33), township nine (9) north, range one (1) west; thence running west to the northwest corner of the northeast quarter of section thirty-six (36), in township nine (9) north, range two (2) west; thence south to the southwest corner of the southeast quarter of section twelve (12), in township eight (8) north, range two (2) west; thence east to the southeast corner of the southwest quarter of section nine (9), in township eight (8) north, range one (1) west; thence north to the place of beginning, be and are hereby constituted a permanent school district, by the name of "The Greenbush School District," by which Name.
name it shall be capable of suing and being sued, contracting and holding real and personal estate, and have such other general powers as the directors shall or may have by law. No territory shall be taken therefrom except by act of the legislature.

§ 2. The school land, school fund and all other real or of
Dist and per-
sonal estate.
personal estate of the four townships in which said district is situated, shall be divided between said district and the remaining portions of said townships, as follows, to-wit: The trustees of schools of each of the said townships shall, within three months after the passage of this act, appoint two commissioners for their respective townships, who shall be respectable householders, one of whom shall reside within such district and the other in the township without, who, after being duly sworn well and truly to perform the duties of their office, shall ascertain, as near as may be, the whole number of white persons under the age of twenty-one years, in the whole of their respective townships, and the proportion thereof residing within the portion of their townships embraced in said district, and the proportion without said district; and in that proportion shall they divide and apportion the funds and real and personal estate, belonging to such townships, between said district and the remainder of such townships, and shall, as speedily as possible, make a full return of their proceedings to the trustees of their respective townships; and the trustees of said townships shall have power to make new appointments, from time to time, in case of neglect or refusal to act, or for other good cause, till the provisions of this act are complied with.

§ 3. The trustees of schools of said townships shall, immediately upon such division being reported to them, pay over and deliver to the directors of the Greenbush Delivery of pro-
portion of the
funds.

school district its proportion of the school fund and evidences of loans and other personal estate, and shall convey to such district its proportion of any and all real estate, owned by such townships, for the use of schools. In such division the real estate owned by districts or by the town of Greenbush, for school houses, shall not be taken into consideration, but only township property.

Abstract of chil-
dren.

§ 4. The board of directors of such district are hereby required to make out and furnish, or cause to be made out and furnished to the school commissioner of Warren county, an abstract of the whole number of white children, under the age of twenty-one years, at the times and in the manner required by law of other school officers, under the general laws of the state; and the school commissioner or other proper officer shall pay to the treasurer of said district its proper proportion or share of the school, college and seminary funds, of the two mill tax, interest, fines, or other moneys distributed according to the laws in force for each apportionment or distribution—treating said district, for this purpose, the same as a township.

Payment of
funds.

Directors.

§ 5. That Thomas J. Shreves, Stephen Liavisans and John Bowman are hereby appointed school directors in said district, who shall hold their office till the first Monday in August, A. D. 1867, and till their successors are duly elected and qualified. In case of a vacancy, by death or otherwise, the remaining director or directors shall fill such vacancy by appointment; and the person or persons so appointed shall hold their office and perform its duties until the next town election, when the people shall be permitted to vote upon the filling of such vacancies.

Vaca.

Treasurer.

§ 6. The directors of said district shall annually appoint a treasurer, who shall be, *ex-officio*, clerk of the board, and shall require of him to execute to the Greenbush school district a bond, in at least double the amount of the funds and property with which he may be intrusted at any one time, conditioned as the bonds of township treasurers; which bonds shall be filed with the school commissioner of Warren county, and the same shall be a lien upon all the real estate of the obligors thereto from the time the same shall be so filed. The directors shall have power to require additional security from the treasurer at any time, and shall be personally responsible for the solvency of the security taken upon his bond.

Custody of prop-
erty.

§ 7. The treasurer shall have the custody and management of the money, securities and property belonging to said district, subject to the direction of the directors thereof. He shall keep a record of all the proceedings of the board of directors.

Powers of direc-
tors.

§ 8. The board of directors of said district, or any two of them, (who are hereby made a quorum to do business), shall have power :

First.—To buy grounds and sites for school houses.

Second.—To hire, purchase or erect houses and buildings, to be used for school purposes, and to keep the same in repair.

Third.—To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth.—To graduate the schools into as many departments as the educational wants of the district may require; to fix the studies to be taught in each department thereof, and to prescribe the books to be used.

Fifth.—To employ and fix the compensation of teachers, and to maintain, support, establish and carry on public schools in said district, for as many months in the year, (not less than nine months) as they may deem proper.

Sixth.—To borrow money, and also to levy, annually, and have collected in the same manner as other school directors, for school purposes, a tax, not exceeding two dollars on one hundred dollars assessed valuation of all the taxable property in such district, as subject to taxation therein.

Seventh.—To adopt such rules and regulations concerning schools, not inconsistent with this act and the general school laws of this state, as they may deem expedient.

Eighth.—And generally to have all the powers conferred by law upon school directors, as necessary to carry any of the foregoing powers into effect: *Provided, always,* that this section does not confer upon the directors power to erect buildings or purchase sites for buildings, whereby Greenbush District shall incur a debt, without first submitting the question of erecting such buildings or purchasing such site to a vote of the people, at any town-election, upon the petition of a majority of the tax-payers residing in said district.

§ 9. The directors of said school district may admit Admission pupils. pupils, from without such district, to the public schools thereof or to any department thereof, upon such terms and conditions as they may prescribe. They shall, also, have power to require a tuition fee for the admission of pupils to such schools, in addition to the public moneys which they may collect.

§ 10 All moneys arising from any fines or penalties under this act, or for a violation thereof, and all moneys arising from licensing of saloons within the limits of said district, shall be paid over to the treasurer of said district, and be added to the principal of the school fund, to be loaned as other moneys. Disposition of funds.

§ 11. The school fund shall be kept loaned at interest, Interest—rates. at the rate of ten per cent. per annum, payable semi-annually, in advance. No loan shall be made for a longer period than three years, and all loans exceeding one hundred dollars shall be secured by unincumbered real estate of double

the value of the sum loaned, exclusive of the value of perishable improvements thereon. For sums of one hundred dollars and less, two good sureties, besides the principal, shall be required.

Notes and securities.

§ 12. All notes and securities shall be taken payable to the Greenbush school district, and in that name all suits and actions may be had.

Expenses.

§ 13. All expense for preparing or recording securities shall be paid by the borrower.

Deceased persons' debts.

§ 14. In the payments of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including physicians' bills.

Interest for default of payments.

§ 15. If default be made in the payment of interest or principal, when due, interest at the rate of twelve per cent. per annum, upon the same, shall be charged from the time of such default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only when the principal is not due.

Judgments.

§ 16. All judgments recovered on the loan of school moneys shall bear interest at ten per cent. per annum, from the rendition thereof till paid; and in case of the sale of real estate, said district may become the purchaser thereof. On redemption, ten per cent. per annum, from the day of sale, shall be paid.

Sureties.

§ 17. If the security of any loan should, at any time before the same is due, become, in the opinion of the treasurer or directors, insecure, the treasurer shall notify the person indebted; and unless satisfactory security is given forthwith, judgment may be recovered thereon as in other cases, whether the debt be due or not.

§ 18. No costs in any judicial or other proceedings shall be chargeable against said district.

Additions.

§ 19. Any person being the owner of land and residing thereon, within one mile of and adjoining said district, may, with his written consent and that of the trustees of his township, be annexed to said district, upon such terms as the directors thereof may impose.

Application of laws.

§ 20. All the laws concerning public schools, not inconsistent herewith, shall apply to the district hereby created.

Compensation of treasurer.

§ 21. The treasurer shall receive such compensation as the directors may prescribe.

§ 22. This act is hereby declared a public act, and shall be in force from and after the first day of February A. D. 1867.

APPROVED February 25, 1867.

AN ACT to amend an act entitled "An act to incorporate the Lacon Union School District." In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act of the general assembly of the state of Illinois, approved February 16, 1857, be amended so that the words "one and one-half per cent." be inserted in the sixth line of the seventh section of said act, instead of the words now therein, to-wit: "one-half of one per cent.;" and that the words "two per cent." be inserted in the sixth line of the eighth section of said act, instead of the words now therein, to-wit: "five mills on the dollar;" and that the words "ten per centum" be inserted in the fourteenth line of the said eighth section of said act, instead of the words now therein, to-wit: "two per centum;" and that the said board of education, mentioned in the act to which this is an amendment, be hereby authorized and empowered to proceed, in all respects, as empowered by the act last aforesaid, to levy and collect said taxes, and borrow money, and appropriate the same in the manner and at the rate indicated by this amendment.

Alteration of words, etc.

Borrow money, etc.

APPROVED February 25, 1867.

AN ACT to incorporate the Rock Island German and English School Society. In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Peetz, Joseph Rosenfield, Robert Koechler, Michael Koch, Conrad Speidel, Alexander Glockhof, and their associates and successors, are hereby created a body politic and corporate, by the name and style of "The Rock Island German and English School Society;" and by that name and style shall have perpetual succession; have the right to contract and be contracted with, to sue and be sued, plead and be impleaded; to have and use a common seal; to acquire, take and hold real and personal property, by purchase, grant, devise or otherwise; to dispose of and convey the same; to borrow money, and give mortgages on their property, for the purpose of repairing or enlarging their school house, or erecting or otherwise acquiring a school house or school houses, and of carrying on their school or schools, but for no other purpose; to make and establish by-laws, and alter or repeal the same; and to have and to exercise all other powers and privileges necessary to carry out the purposes of this act.

Corporators.

Name and style

Powers.

Objects.

§ 2. The object of the society shall be the establishment, maintenance and promotion of a German-English school or schools in the city and county of Rock Island.

Religious tests.

§ 3. No religious test shall ever be required in said society, of any member, teacher or scholar.

Officers—vacancies—elections.

§ 4. The society may elect from its members a board of directors, in such number and manner, and at such time and place, and for such a length of time, as may be provided by the constitution and by-laws, and may fill vacancies in such manner as shall be specified in the constitution and by-laws. In case an election of said board shall not be held on the day designated, it shall be lawful to hold such election on some other day. The members of this board of directors shall, from their own number, elect a president, a secretary and a treasurer; and the persons so elected shall also be president, secretary and treasurer of the society. The powers and duties of said board of directors shall be such as the constitution and by-laws of said society provide.

Articles—rules.

§ 5. The articles of the said Rock Island German and English School Society, and the by-laws, rules and regulations of said society, heretofore formed, not inconsistent with this act, shall be and remain the rules, regulations, articles and by-laws of the corporation hereby created, until repealed or changed by said society; and all the property, both real and personal, heretofore acquired, rights and credits of said society, shall be and are hereby vested in the corporation hereby created; and all the liabilities of the society heretofore incurred shall be and are hereby declared liabilities of the corporation hereby created, with full power in said corporation to maintain actions for the recovery of any such property, rights and credits, if necessary, whether the same have accrued to said society by voluntary subscription, dues, fines, tuition or otherwise.

Dissolution.

§ 6. This society shall not be dissolved by vote of its members, so long as twelve members vote for a continuance of the same.

Tax exemption.

§ 7. The property, both real and personal, of said society, shall be exempt from taxation: *Provided*, the value of said property shall not exceed twenty-five thousand dollars.

§ 8. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 25, 1867.

AN ACT to authorize the school directors of district No. 1, T. 2 N., R. 2 E., In force Feb'y
Marion county, to purchase real estate. 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school directors of school district number one, (1,) in township number two (2) north, range two (2) east, in the county of Marion, and state of Illinois, be and they are hereby empowered and authorized to purchase two (2) town lots, adjoining the lot on which the public district school house in the town of Salem, in said district, is situated, at such price as they may consider just; and that the said school directors are hereby authorized to levy a tax on the property in said school district, subject to taxation for other school purposes, to pay for the said two adjoining lots. Property de-
scribed. Taxes.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Washington Skating Association.

In force Feb'y
21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That U. R. Hawley, Alfred Cowles, Gyobert DeClercy, Samuel Barnum, Samuel B. Raymond, George G. Street, John C. Fuller, George Mason, Milford D. Buchanan, and their associates and successors, be and the same are hereby created a body politic and corporate, with full power to sue and be sued, contract and be contracted with, under the name and style of "The Washington Skating Association;" and the said corporation shall have a common seal, and perpetual succession. Name.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, with power to increase the same to two hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws of the said corporation, and divided into shares of one hundred dollars each. Capital stock.

§ 3. The said company shall have power to purchase or lease and hold real estate in the county of Cook, not exceeding ten acres in extent, for the purpose of using the same as a skating park, or as ball or cricket club grounds, or for establishing a swimming pond, or for a riding or driving park, or for holding fairs or public meetings, or for a gymnasium, or for erecting thereon a skating rink, or such other buildings as may be necessary for such and Powers. Skating rink.

similar purposes; and may sell, convey, lease or mortgage the said buildings, and the real estate of the said company, or any portion thereof, at pleasure.

By-law s

§ 4. Said company may do and perform all acts and exercise all powers that may be necessary to carry out the full objects of this act, and may make such by-laws and rules as shall be necessary or convenient for the regulation and management of its affairs.

§ 5. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 21, 1867.

In force March
7, 1867.

AN ACT to incorporate the Hyde Park Skating Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That C. M. Cady, George W. Waite, Paul Cornell, H. B. Boque, Jas. P. Root, E. G. Clark, W. H. B. Hoyt, H. N. Hibbard, are hereby made and constituted a body corporate and politic, with perpetual succession, and all the rights, privileges and immunities, and subject to the liabilities, of a body corporate and politic.*

Business.

§ 2. Said company are authorized to locate and operate a skating park in the town of Hyde Park, Cook county, Illinois, and charge for the admission of persons thereto, and own so much real estate as they may deem necessary for the objects of the corporation; or may lease ground for that purpose. The capital stock shall be ten thousand dollars, to be subscribed and paid in in the manner and at the times provided by the directors. It shall be divided into shares of ten dollars each, to be deemed personal property, and transferable as such on the books of the company, in the manner provided in the by-laws. The persons herein

Capital stock.

Directors.

named shall be the first board of directors, and shall hold their office until their successors are chosen, at the time and in the manner provided by the by-laws. Each share of stock shall entitle the holder thereof to one vote in the election of directors; and the board of directors shall consist of seven stockholders. The board shall be authorized to appoint such officers and agents as they shall deem necessary, and prescribe their powers and duties. They may sell or dispose of any real estate not required for the use of the company, and may make all by-laws and rules necessary for the government of the company and its members.

Share vote.

Officers, agents,
etc.

§ 3. This act shall be a public act, and take effect from and after its passage.

APPROVED March 7, 1867

AN ACT to incorporate the Soldiers' Home in the city of Chicago.

In force Feb'y
28, 1867.

Preamble.

WHEREAS certain citizens of the city of Chicago and state of Illinois, to-wit: Thomas B. Bryan, James B. Bradwell, Mrs. O. D. Ranney, Mrs. Ambrose Foster, Mrs. E. W. Brayman, L. J. Gage, Mrs. Myra Bradwell, Mrs. C. W. Andrews, Mrs. R. S. Ball, Mrs. E. S. Brackett, Mrs. H. L. Bristol, Mrs. W. D. Blain, Miss E. A. Blakie, Mrs. Thomas Church, Mrs. Dr. C. M. Clark, Mrs. D. Degenhart, Mrs. E. F. Dickinson, Mrs. J. M. Harvey, Mrs. J. G. Hamilton, Mrs. Dr. R. C. Hamill, Mrs. E. Higgins, Mrs. Dr. E. Ingalls, Mrs. Kimbal, Mrs. James Long, Mrs. J. M. Loomis, Mrs. Mary A. McAlla, Mrs. J. H. Moore, Mrs. W. L. Myrick, Mrs. Joseph Medill, Mrs. J. D. Quinlan, Mrs. C. W. Sanford, Mrs. G. Schneider, Mrs. T. Sutton, Mrs. C. B. Sawyer, Mrs. J. C. Shepley, Mrs. M. L. McAuley, Mrs. S. C. Sayers, Mrs. S. Tinkham, Mrs. W. Wheeler, Mrs. S. S. Williamson, Mrs. J. M. Underwood, Mrs. P. Lamb, Mrs. L. A. Willard, Mrs. Thomas B. Bryan, Mrs. O. E. Hosmer, Mrs. C. H. Cushing, Mrs. Mancell Talcott, Richard J. Oglesby, J. H. Dunham, J. Young Scammon, Dr. R. C. Hamill, John A. Logan, Van H. Higgins, B. M. Prentiss and Gen. T. O. Osborne, who have been associated together as a voluntary association for about four years, and known as "The Soldiers' Home in the City of Chicago," the object of which was to furnish a comfortable home for all needy Illinois soldiers or sailors, who had been honorably discharged from the service of the United States, and were unable, from wounds or sickness, to support themselves by the ordinary avocations of life; and whereas this voluntary association, known as the soldiers' home in Chicago, has erected a soldiers' home, which is now in successful operation; now, therefore, more fully to carry out the objects and purposes of said voluntary association,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the several persons hereinbefore named, and who have been acting as such voluntary association, under the name of the soldiers' home in Chicago, and such other persons who shall become associated with them, and their successors, are hereby constituted a body corporate and politic, by the name and style of "The Soldiers' Home in Chicago," and by that name shall have perpetual succession; and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are and may become necessary for the furtherance and advancement of the purposes of said corporation, as fully and as completely as a natural person might or could do.*

Name.

Powers.

Objects and purposes.

§ 2. The objects and purposes of said corporation are, to furnish a comfortable home for needy Illinois soldiers or sailors who have been or shall hereafter be honorably discharged from the service of the United States, and shall be unable, from wounds or sickness, to support themselves by the ordinary avocations of life; and to do and perform such other acts, in aiding, caring for and educating needy Illinois soldiers, or their children, as the board of managers, in their judgment, may deem right or proper.

Seal.

Possession of property.

§ 3. The said corporation, hereby created, may have a seal, and change the same at pleasure; may receive, take and hold, either by gift, purchase, bequest or otherwise, any real or personal estate for the use and for the advancement of the purposes of said corporation, whether the same be purchased, given, devised, bequeathed or conveyed directly to said corporation or to any of its officers, for the use of said corporation; and all real and personal property held by or for the use of said corporation shall be exempt from taxation, and not liable to any tax or assessment levied or imposed by virtue of the state, county, town or city authorities. No real estate to which said corporation shall acquire title shall be alienated or sold, except by a majority vote of the managers, at an annual meeting or at a special meeting, to be called for that purpose, to be specified in the notice of such meeting, and then only for the objects and purposes for which said corporation is created.

Officers.

§ 4. The officers of said corporation shall consist of a president, two vice-presidents, secretary, treasurer, and assistant treasurer, and such other officers as may be found necessary to carry out the purposes of the corporation; all of whom shall be chosen by the board of managers in such manner, at such time and place and for such term as said board shall provide; and they shall require the treasurer and assistant treasurer to give bonds, with good security, for the faithful discharge of the duties of their respective offices, in a penalty double the value of the money and property that may come into their hands at any one time.

Government and direction.

§ 5. The officers and managers aforesaid, and their successors in office, shall have the control and management of the official and other concerns of said corporation, together with the estate of every kind. They shall have power to form such constitution and make such regulations and by-laws, not inconsistent with the constitution and laws of this state or of the United States, as may, in their opinion, contribute to the good order and management of said corporation; and they may, from time to time, modify and repeal the same at their pleasure; and they may determine the number of managers that shall constitute said board, and may determine what number shall constitute a quorum for the transaction of business. They shall, also, have power to make rules for the government, disposal and discipline of

those who shall be received as inmates, and to enforce the same.

§ 6. The persons named in the first section of this act shall constitute the first board of managers of said corporation, and shall hold their offices until their successors are elected and qualified, as may be provided by said board.

First board of managers.

§ 7. It shall be the duty of the president and secretary to report to the legislature of the state, in writing, and to file the same with the secretary of state ten days before the first day of each and every regular session thereof, the condition of the institution, the number of soldiers entertained and cared for, also the amount of expenses, giving items and dates, and such other information as they may think proper to transmit.

Reports of condition.

§ 8. The present officers of the soldiers' home in Chicago shall hold their offices until the annual meeting on the first Friday of June next, and the constitution and by-laws of said voluntary association shall remain in force until changed by said corporation.

Tenure of present officers.

§ 9. That there be appropriated to said corporation the sum of twelve thousand dollars, per annum, for two years; and the auditor of public accounts is hereby directed to draw his warrants for twelve thousand dollars, cash, on the treasury, in favor of the treasurer of said corporation, on the first Monday of September, for two successive years, commencing with next September; and upon the treasurer of said corporation presenting such orders to the treasurer of state, it shall be his duty to pay the same.

Annual appropriations.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the Vincennes Square Association.

In force March 1, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That Henry W. Bishop, jr., George Taylor, Edward S. Isham and Norman Williams, jr., and their associates, successors and assigns, be and are hereby created a body politic and corporate, under the name and style of "The Vincennes Square Association," with all powers, rights, privileges and immunities incident to corporations, and necessary or useful for the purposes of this act.

Name and style

§ 2. The capital stock of said association shall be fifty thousand dollars, and be divided into shares of one hundred dollars each, and it may be increased, from time to time, as a majority of the stockholders may direct, and

Capital stock.

shall be issued and transferred in such manner and under such conditions as the directors of said company shall, by the by-laws thereof, prescribe.

Board of directors.

§ 3. The corporate powers of the said association shall be vested in and exercised by a board of directors, consisting of such number of persons, not less than three nor more than seven, as the stockholders of said association may, from time to time, direct. The said directors shall be chosen by the stockholders, at such time and place as may be fixed by the by-laws of the said association, and shall hold their offices for one year, and until their successors are elected and qualified. They shall elect one of their number president of said association, and may fill any vacancy in the said board, occasioned by death, resignation or otherwise, for the unexpired portion of the term of office so becoming vacant; and may make such rules, by-laws and regulations, and appoint such officers and servants, as they may, from time to time, deem expedient. Until an election of directors as herein provided, the persons named as incorporators in the first section of this act, shall constitute a board of directors, and shall have and may exercise all the powers of such board.

Possession of real estate, etc.

§ 4. The said corporation shall have power to acquire, by purchase or otherwise, and to hold and convey real estate, in the county of Cook, not exceeding eighty acres, and may lay out, subdivide, plat and sell the same at pleasure. It may borrow money, and secure the same or any of its indebtedness, by mortgage or deed of trust of its corporate property, or by other security, in such manner as the said directors may think fit and proper.

§ 5. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 1, 1867.

In force Feb'y 9, 1867.

AN ACT to incorporate the Evansville and Cairo Packet Company.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Gilbert, A. Lemcke, H. T. Dexter, L. A. Fowler and R. K. Dunkerson, and their successors, are hereby created a body corporate and politic, by the name and style of "The Evansville and Cairo Packet Company," and by that name may sue and be sued, plead or be impleaded, and defend and be defended, in all courts of law and equity in this state, and in all courts and places whatsoever; and may have and use a common seal; may contract and be contracted with; and make, establish and put in execution such by-laws,*

resolutions and rules and regulations as may be necessary to carry on the business of such company, not being contrary to the laws of this state or of the United States, or inconsistent with the provisions of this charter; and may do and put in execution all such acts and things as may be required to carry into effect the provisions of this act.

§ 2. The capital stock of said company shall be one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars; and the said company shall be authorized to purchase, charter and build steamboats, barges, wharf boats and all other water craft, and to have and to hold all other personal property necessary to the carrying on of the business of said company; to transport passengers, stock, produce and freight of all kinds, from and to any point or points on the Ohio and Mississippi rivers and their tributaries; to purchase or lease all such landings or wharves as may be required for the business of the company; and, also, to keep and maintain a provision and furnishing store at Cairo or Evansville, or elsewhere, which may be necessary to carry on and facilitate the business of said company. Capital stock.

§ 3. That the fiscal affairs and all the concerns of said company, and the management and control of its property and business, shall be vested in a board of not more than five nor less than three directors, as the stockholders, by their by-laws or resolutions, shall determine; the directors to be elected by the stockholders on the first day of October, in each year, after the first election—each share entitling the stockholder to one vote. Board of directors.

§ 4. That the stockholders, at any annual or other meeting, may increase their capital stock as the business of the company may require. Increase of capital stock.

§ 5. That the said John Gilbert, A. Lemcke, H. T. Dexter, L. A. Fowler and R. K. Dunkerson, may open books for the subscription of stock in said company; and whenever the subscription shall amount to fifty thousand dollars, they or any one of them may, by notice published for ten days in any newspaper published in the city of Cairo, call a meeting of the stockholders to elect a board of directors, and upon such election said company may commence their said business. The board of directors shall elect the president of the company, and all other officers necessary to carry on the business of the company. They may cause the subscription books to be continued open until the whole of the stock is subscribed, or may hold, sell or dispose of the same as they may think best. They may prescribe how the stock may be sold and transferred, and may do all other things necessary to the effectual carrying on of the business of said company. Stock subscription.

§ 6. This company shall engage in no other business than that for which it is incorporated, and shall be authorized to borrow money. Borrow money.

zed to borrow money, if deemed necessary to do so, not exceeding one-half of its capital paid in; and may issue their bonds, secured by mortgage or deed of trust upon the property, rights and privileges of the company, for its security and re-payment, or sell bonds on such terms as a majority in interest of its stockholders may consent to.

Stockholders' liabilities.

§ 7. The stockholders in said company, for all dues, indebtedness and assessments of and against said company, shall be liable individually only to the amount of stock held or owned by them; and the president and board of directors may adopt such rules and regulations, for the government and conducting of the business of the company, as they may think advisable; but shall not be permitted to limit, by by-laws, their liability as common carriers.

§ 8. This act to be deemed a public act, and to take effect from and after its passage.

APPROVED February 9, 1867.

In force Feb'y 28, 1867.

AN ACT to incorporate the St. Louis and Quincy Packet Company.

Name and style.

Powers.

Capital stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Jasper, Lewis Angle, A. J. F. Prevost, Henry Allen, Benj. P. Clifford, Abraham McPike, Joseph S. Mackey, John Wheeler, Samuel E. Segar, Frank Burnett, Edward B. Carroll, and their associates, successors and assigns, be and are hereby created a body politic and corporate, under the name and style of "The St. Louis and Quincy Packet Company," and under that name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended in all courts and places; and may have and use a common seal, and alter or renew the same at pleasure; and, by their corporate name and style, may contract and be contracted with as natural persons; and shall have all the incidents, immunities and franchises of a corporation, and do and perform all lawful and necessary acts and things in carrying into effect the objects and purposes of this act.

§ 2. The capital stock of said company shall be two hundred thousand dollars, which may be increased to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the corporation only. No subscriber shall sell or transfer his stock without first giving the preference of purchase to the board of directors. The persons incorporated by this act shall be authorized to receive subscriptions to the capital stock of said company, and as soon as fifty thou-

sand dollars shall have been subscribed and paid in, or secured to be paid to the satisfaction of said persons, they may call a meeting of the stockholders, at a time and place to be designated by them, who shall proceed to organize said company by the election of a board of directors—each share being entitled to one vote, by the holder thereof or his proxy; and when said company is fully organized, it shall be lawful and said company is hereby authorized to form a line of one or more boats, for the purpose of transporting freight, merchandise and passengers, by boat or otherwise, on the Mississippi river and its tributaries. And any corporation may subscribe for and take and hold stock in said company, the same as natural persons. The stock subscribed for in said company, after its organization, shall be subscribed for and taken under the directions of the board of directors of said company, and the stock of the company shall be deemed and held as personal property.

Organization.

Line of boats.

Stock subscription.

§ 3. The affairs of the company shall be managed by a board of directors, composed of not less than five nor more than nine persons, who shall be chosen by the stockholders, and be themselves stockholders in said company, and shall hold their office for one year, and until their successors are elected. At all elections for directors each share of stock shall be entitled to one vote, by the holder thereof or his proxy, duly authorized; and in case any vacancy shall occur in said board of directors, between the time of holding any general election, said vacancy may be filled by said board at any regular meeting of the directors; and the persons so appointed shall hold their office until the next regular election of officers. Said board of directors shall have power to elect a president, treasurer, secretary, and all other officers and agents for the necessary management and good government of the affairs of the company; and to make all such rules, regulations and by-laws, not inconsistent with the laws of a general nature in force in this state, as they may deem necessary and proper for accomplishing the purposes of this act.

Directors.

Elections.

Officers.

Rules, etc.

§ 4. The business of said company shall be confined to the transportation of freight and passengers on the Mississippi river and its tributaries, with such incidental and other necessary business as the board of directors may prescribe, connected with and auxiliary thereto; and for the purpose of carrying out the objects of this act said company are authorized to purchase, charter, hire or build all necessary boats, barges, wharf-boats and water crafts, and renew the same at pleasure; and to construct, purchase, lease or rent all necessary warehouses and offices, and receive, store and ship all goods, wares, merchandise and freights, and forward the same; and to regulate the time and manner of transportation of persons and property, and the storage of merchandise and other property under their charge; and

Business and operations.

shall have power and authority to provide all necessary stock and materials, in carrying out the objects of this act, by erecting all buildings and machinery for the accommodation, management and complete operations of said company; and shall have power to purchase and hold all such real estate as may be necessary for the purposes and objects aforesaid.

Payment of stock. § 5. The directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company at such times and in such proportions, and upon such conditions, as they may deem necessary and proper; and in case any stockholder shall refuse or neglect to make payment, in pursuance of the requisitions of the board of directors, the stock of such stockholder may be sold, by order of the directors, at public auction, after the lapse of ninety days from the time when the payment became due, and the surplus money the avails of such sale, after deducting the necessary costs and expenses of such sale, and the payment or payments due, shall be paid over to such delinquent stockholder: *Provided*, that notice of all such sales shall be published in some newspaper, published in the city of Quincy, Illinois, for at least thirty days previous to the time of making the same.

Surplus funds.

Proviso.

Indebtedness. § 6. The said company are authorized to borrow money, from time to time, in such sums and at such rate of interest, not exceeding ten per cent. per annum, as they may think proper, and to pledge and mortgage the corporate property, together with all the rights, credits and franchises of said company, for the payment of the same.

Principal office. § 7. The principal office and place of business of said company shall be in the city of Quincy, Illinois. Stockholders in said company shall be each, liable to the creditors of said company to the amount of the unpaid portion of the stock respectively held by them.

§ 8. This act to be in force from and after its passage.

APPROVED February 28, 1867.

In force March
7, 1867.

AN ACT to incorporate the Lake Michigan Steamboat Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George M. Kimbark, C. T. Bowen and James P. Root are hereby made and constituted a body corporate and politic, by the name and style of "The Lake Michigan Steamboat Company," and by that name shall have perpetual succession; may sue and be sued; may make by-laws for the government of its officers, agents and property; may make, use or alter a common seal; may make contracts, and have and

Name and style.

Powers.

enjoy all the rights, privileges and immunities, and be subject to all the liabilities, of a body corporate and politic.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, to be deemed personal property, and transferable as such in the manner and subject to the restrictions provided by the by-laws; which said capital stock shall be subscribed for and paid in the manner and at the time provided by the directors; and the said company shall have the right to forfeit and declare void any share of stock, upon which there remains due and unpaid any installment for the space of ten days after demand shall have been made for the same by the directors or their authorized agents; or the said company may maintain an action for the same in any court of competent jurisdiction. When fifty thousand dollars shall have been subscribed, the said company shall be deemed fully organized, and may proceed to enjoy all the rights and privileges herein granted.

Capital stock.

§ 3. The business of said company shall be conducted by a board of three directors, who shall hold their office for one year, and until their successors are elected and qualified; and said directors shall be elected at the time to be fixed by the laws. The directors shall elect from their own number a president, secretary and treasurer, and may appoint other officers and agents, who shall severally perform such duties as shall be required of them by the board or the by-laws; and the board may require either or all of its officers or agents to give a bond to said company, with surety, for the faithful discharge of their duty, and such other conditions as they shall impose.

Directors.

Officers, agents,
etc.

§ 4. The said company are hereby authorized to build, purchase or hire one or more steamboats or propellers, with the necessary tackle and apparel, and may use and run the same on Lake Michigan, or other navigable waters of the United States, and may carry and transport freight, baggage and passengers between the city of Chicago and other points on Lake Michigan, or the other lakes of the United States, and may charge and collect fare for such carrying and transportation. And the said company are hereby authorized to purchase, lease or erect one or more docks, wharves or piers for the convenience of their said business, and the discharge of their passengers or freight: *Provided*, that no such dock, wharf or pier shall in any manner interfere with the free navigation of any public waters; and they may permit other parties to use and occupy such wharves, piers or docks, at such price as they shall agree upon. The said company are hereby authorized to own so much real estate as they may deem necessary for the location and construction of said docks, wharves or piers, at such points as they shall select, and may sell and dispose of the same as their

Business and
operations.

business shall require, and change the location of such piers, wharves and docks.

§ 5. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

In force Feb'y 20. 1867. AN ACT to incorporate the Belleville Sharpshooters' Society, of the city of Belleville, in the county of St. Clair, and state of Illinois.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Philip Maret, Henry Raab, Frederic Ropiequet, Valentine R. Pitthau, Frederic Kempff, Gustavus Heckel, and all such persons as may become associated with them, be and are hereby constituted a body politic and corporate, under the
Name and style.	name of "The Belleville Sharpshooters' Society," and by that name shall have perpetual succession, with power to
Powers, etc.	sue and be sued, plead and be impleaded, in all courts of law and equity in this state; may have and use a common seal, alter the same at their option; and shall have power to make by-laws, and amend the same, in any manner not inconsistent with the laws of this state or of the United States.
Objects—officers	§ 2. The object of this society shall be to educate its members, by practice, in the use of the rifle, and to promote social intercourse among them; and the officers of said society shall consist of a president, vice-president, secretary and treasurer, all of whom shall constitute the board of directors of said society, in whom the management of all
Elections.	affairs of said society shall be vested. All of said officers shall be selected annually or semi-annually by the members of said society, and at such elections each member shall be entitled to but one vote; and stockholders who are not members of the society at the time of such elections shall not be entitled to a vote.
Capital stock.	§ 3. The capital stock of said society shall be divided into shares of thirty dollars each, and may consist of any number of shares, not exceeding one thousand; and the same shall be subscribed for and taken, under the direction of the board of directors, at such time and place, and in such manner, as they, from time to time, may determine.
Meetings.	§ 4. Annual meetings or semi-annual meetings shall be held by the members of said society for the election of directors and other officers, and such other meetings at such other times and places as may, by the by-laws, be determined. The election of officers shall be by ballot, and all
Elections to be by ballot.	such elections and all votes shall be by a clear majority of

all the votes cast for all the other candidates by the members present.

§ 5. Said society may hold real estate, not exceeding thirty thousand dollars, and such personal estate as may be necessary for the objects of said society; shall be capable in law, by their corporate name and style, of contracting and being contracted with, and of receiving by gift, grant, devise or otherwise, real estate to the amount of thirty thousand dollars, as well as personal property; may lease, convey or mortgage the same; and pass such by-laws as may be necessary for the collection and disposing of contributions, and regular dues and initiation fees of its members.

Real estate.

Powers in law

By-laws.

§ 6. The shares of said society shall be assignable and transferable only according to the regulations that shall be adopted by said society in that behalf, and shall be forfeited and canceled on the books for the non-payment of any installment due on the same; and, when forfeited and canceled, such amount as has been paid thereon shall go to the general fund of the society.

Shares.

§ 7. The said corporation may appoint such other officers, through the board of directors, as they may deem expedient, who shall hold their offices for the term of six months or one year, as may be determined, and until their successors are elected and qualified.

Officers.

§ 8. The said corporation shall have the power to impose fines upon their members, to deprive members of their membership, and all rights and privileges and interests adhering thereto, for such causes as may be stipulated in the by-laws.

Fines of members.

§ 9. Said society may select one of its members to act as steward or landlord, in furnishing victuals and refreshments—such as beer, wine, soda water, lemonade and ice cream—on the premises and in the buildings of said society only, on such days and at such hours as may be fixed and appointed by the executive committee of said society.

Steward.

§ 10. The treasurer of said society and corporation shall give bond and security, to be approved by the president and vice-president of said society, for the faithful performance of the duties of his office.

Treasurer's bond.

§ 11. This act shall take effect from and after its passage.

APPROVED February 20, 1867.

In Free Filey
21, 1867.

AN ACT to incorporate the Joliet Sharpshooters' Association.

CORPORATORS. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederick Schring, H. Jacob Schatt, Conrad C. Braunn, Frederick Beuttenmuller, Joseph Brown, jr., and Ferdinand Pa-sold, and all such persons as may become associated with them, be and are hereby constituted a body politic and cor-porate, under the name of "The Joliet Sharpshooters' Asso-ciation," and by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity in this state; may have and use a common seal, alter the same at their option; and shall have power to make by-laws and amend the same in any manner, not inconsistent with the laws of this state or of the United States.

NAME. § 2. The object of this association shall be to educate its members, by practice, in the use of the rifle, and to pro-mote social intercourse amongst them; and the officers of said association shall consist of a president, a vice-president, a treasurer, a secretary, a sergeant-at-arms, and an assistant sergeant-at-arms, all of whom shall constitute the board of directors of said association, on whom the management of all affairs of said association shall be vested. All of said officers shall be elected annually by the members of said association, and at such elections each member shall be en-titled to but one vote; and the stockholders who are not members of the association at the time of such election shall not be entitled to a vote.

BY-LAWS. § 3. The capital stock of said association shall be divided into shares of ten dollars each, and may consist of any num-ber of shares not exceeding five thousand, and the same shall be subscribed for and taken, under the direction of the board of directors, at such time and place and in such manner as they from time to time may determine.

ELECTIONS. § 4. Annual meetings shall be held by the members of said association for the election of directors and other offi-cers, and such other meetings at such other times and places as the by-laws may determine. The election of officers shall be by ballot, and all such elections and all votes shall be by a plurality of the members present.

ANNUAL MEETING. § 5. Said association may hold real estate, not exceeding in value fifty thousand dollars, and such personal estate as may be necessary for the objects of said association; shall be capable of receiving, by gift, devise or otherwise, real estate to an amount not exceeding twenty-five thousand dollars, as well as personal property; may lease, convey or mortgage the same; and pass such by-laws as may be ne-cessary for the collection and disposing of contributions and regular dues and initiation fees of its members.

§ 6. The shares of said association shall be assignable and transferable only according to the regulations that shall be adopted by said association in that behalf, and shall be forfeited and canceled on the books for the non-payment of any installment due on the same; and when forfeited and canceled such amount as has been paid thereon shall go to the general fund of said association.

Shares assign-
able.

§ 7. The corporation may appoint such other officers, through the board of directors, as they may deem expedient, who shall hold their offices for the term of one year and until their successors are elected and qualified.

Appointment of
officers.

§ 8. The corporation shall have the power to impose fines upon their members, to deprive members of their membership, and all rights, privileges and interests adhering thereto, for such causes as may be stipulated in the by-laws.

Fines.

§ 9. The treasurer of said corporation shall give bond and security for the faithful performance of the duties of his office, to be approved by the directors.

Treasurer's
bond.

§ 10. This act shall take effect from and after its passage.
APPROVED February 21, 1867.

AN ACT to incorporate the Alton Sharpshooters' Society of Alton, Madison county, Illinois. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Paul Meisner, Jacob Hartman and Emil Guelich, and such other persons as shall, from time to time, become members of said society, are hereby incorporated and shall be a body corporate and politic, by the name and style of "The Alton Sharpshooters' Society," located in Alton, Madison county, Illinois, and under that name shall be capable of suing and being sued, pleading and being impleaded, in all courts, both of law and equity, in this state; and may have and use a common seal, and the same to alter and amend at pleasure; and by their corporate name and style shall be capable of, in law, contracting and being contracted with, and acquiring, by purchase or otherwise, and of holding and conveying real or personal estate, either in fee or for a term of years: Provided, that they shall not, at any one time, name or hold property exceeding in value ten thousand dollars.*

Corporators.

Name and style.

Powers.

§ 2. Said corporation shall at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations as they shall judge proper for the better government and regulation of the officers and members of said society, and for ascertaining an equal annual

Government
and direction.

rate of contribution to be paid by the members thereof, in aid of the funds of said society, and for prescribing the time, place and manner of practicing in shooting, and the rules regulating the same, by such by-laws, not to be inconsistent with the laws of this state and of the United States.

Landlord.

§ 3. Said society may select one of its members to act as steward or landlord, for furnishing victuals and refreshments, on the premises and in the building of the society only, at the days and hours appointed by the executive committee thereof.

Officers, agents,
etc.

§ 4. That for the better carrying on the business and affairs of said corporation there shall be annually elected, on the first Monday of April, of each year, an executive committee, consisting of one president, one vice-president, one secretary, treasurer one vice-secretary, and one sergeant-at arms, who shall hold their office for one year and until their successors are elected and qualified.

Suits, etc.

§ 5. In all suits at law or equity brought against this society, or in any suit brought by this society against any of its members, or against any other person or persons, any member of this society shall be admitted as competent witness.

§ 6. This act to be in force from and after its passage.

APPROVED February 22, 1867.

In force March 1, 1867. AN ACT to incorporate the Germania Sharpshooters' Society, of Breese, Clinton county, Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Philip Frank, Gottlieb Blattner, Theodore Kluths, George Rantenstranch and Charles Kanne, and such other persons as shall, from time to time, become members of said society, are hereby incorporated and shall be a body corporate and*

Name and style.

Powers.

politic, by the name and style of "The Germania Sharpshooters' Society," located in Breese, Clinton county, Illinois, and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts, both of law and equity, in this state; and may have and use a common seal, and the same to alter and amend at pleasure; and by their coporate name and style shall be capable of, in law, contracting and being contracted with, and acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, either in fee or for a term of years: Provided, that they shall not, at any one time, name or hold property exceeding in value twenty thousand dollars: Provided, that said society shall not, at

Proviso.

any time, relocate their grounds at any point within half a mile of any school house, church or meeting house.

§ 2. Said corporation shall at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations as they shall judge proper for the better government and regulation of the officers and members of said society, and for ascertaining an equal annual rate of contribution to be paid by the members thereof, in aid of the funds of said society, and for prescribing the time, place and manner of practicing in shooting, and the rules regulating the same, by such by-laws, not to be inconsistent with the laws of this state and of the United States.

§ 3. Said society may select one of its members to act as steward or landlord, furnishing victuals and refreshments, on the premises and in the buildings of the society only, at the days and hours appointed by the executive committee thereof.

§ 4. That for the better carrying on the business and affairs of said corporation there shall be annually elected, on a day to be fixed by the society, an executive committee, consisting of one president, one vice-president, and sergeant-at-arms, one secretary, one vice-secretary, and one treasurer, who shall hold their offices for one year and until their successors are elected and qualified.

§ 5. In all suits at law or equity brought against this society, or in any suits brought by this society against any of its members, or against any other person or persons, any member of this society shall be admitted as competent witness.

§ 6. This act to be in force from and after its passage.

APPROVED March 1, 1867.

AN ACT to incorporate the Peru Sharpshooters' Association.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That August Heinzie, Frederick Hundt, John N. Andesner, Otto Winheime, Philip K. Bekrend, Paul Bachine, and all such persons as may become associated with them, be and are hereby constituted a body politic and corporate, under the name of "The Peru Sharpshooters' Association," and by that name shall have perpetual succession, with the power to sue and be sued, plead and be impleaded, in all courts of law and equity in this state; may have and use a common seal, alter the same at their option; and shall have power to make by-laws and amend the same in any manner, not inconsistent with the laws of this state or of the United States.

Object.

§ 2. The object of this association shall be to educate its members, by practice, in the use of the rifle, and to promote social intercourse amongst them. The officers of said association shall consist of a president, a treasurer, a secretary, comptroller, sergeant-at-arms, and an assistant sergeant, all of whom shall constitute the board of directors of said association, in whom the management of all the affairs of said association shall be vested. All of said officers shall be elected annually by the members of said association, and at such elections each member shall be entitled to but one vote; and stockholders who are not members of the association at the time of such election shall not be entitled to a vote.

§ 3. The capital stock of the association shall be divided into shares of ten dollars each, and may consist of any number of shares, not exceeding one thousand, and the same shall be subscribed for and taken, under the direction of the board of directors, at such time and place, and in such a manner as they may, from time to time, may deter-

Annual meeting. mine.

§ 4. Annual meetings shall be held by the members of said association for the election of directors and other officers, and such other meetings at such other times and places as the by-laws may determine. The election of officers shall be by ballot, and all such elections and all

Possession of real estate.

§ 5. Said association may hold real estate, not exceeding, in value, ten thousand dollars, and such personal estate as may be necessary for the objects of said association; shall be capable of receiving, by gift, devise or otherwise, real estate, not to an amount to exceed five thousand dollars, as well as personal property; may lease, convey or mortgage the same; and pass such by-laws as may be necessary for the collection and disposing of contributions and regular dues and initiation fees of its members.

Shares transferable, etc.

§ 6. The shares of said association shall be assignable and transferable only according to the regulations that shall be adopted by said association in that behalf, and shall be canceled and forfeited on the books for the non-payment of any installment due on the same; and when forfeited and canceled, such amount as has been paid thereon shall go to the general fund of said association.

Officers.

§ 7. The corporation may appoint such other officers, through the board of directors, as they may deem expedient, who shall hold their offices for the term of one year and until their successors are elected and qualified.

Fines, etc.

§ 8. The corporation shall have power to impose fines upon their members, to deprive members of their membership, and all rights, privileges and interests adhering thereto, for such causes as may be stipulated in the by-laws.

§ 9. The treasurer of said corporation shall give bond and security for the faithful performance of the duties of his office, to be approved by the directors. Treasurer's bonds.

§ 10. The property, real and personal, now belonging to the Peru Rifle Company shall be the property of this corporation, and this corporation may compel any parties, holding real estate in trust for said company, to convey the same to this association; and it may collect any notes, given by any parties to any trustees for the use and benefit of said rifle company, by suit or suits, in the name of said trustees, for the use of this corporation; and may enforce any other just claim which said company may have against any parties, for the use of this corporation. Property of Peru Rifle Co. conveyed.
Suits and claims

§ 11. This act shall take effect from and after its passage.
APPROVED March 7, 1867.

AN ACT to establish the Illinois and Mississippi Stock Yard Company.

In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John Z. Irwin, George Bicklehaupt, James P. Root and Jacob Yager, and their associates, are hereby created a body corporate and politic, by the name and style of "The Illinois and Mississippi Stock Yard Company," with perpetual succession, and by that name and style may sue and be sued, contract and be contracted with, have a common seal, make by-laws, and own and occupy all the rights and privileges that may be necessary to carry out the provisions of this act.

Name and style.

Powers in law.

§ 2. The said company shall have the right to locate, construct and maintain, upon the land purchased for such purpose, at such point as shall be designated and determined by them in Madison county, state of Illinois, all the necessary yards, inclosures, buildings, structures, railway lines, tracks, switches and turnouts, aqueducts for the reception, safe keeping, feeding and watering, and for the weighing, delivery and transfer of cattle and live stock of every description, and, also, dead and undressed animals, that may be at or passing through or near the city of East St. Louis, and for the accommodation of the business of a general union stock yard for cattle and live stock, including the erection and establishment of a hotel, if deemed expedient, and the right to use the same for the convenience of drovers and others; and shall have the power to repair and enlarge their said yards, structures or buildings; and shall have the power to make advances of money upon such cattle and live stock, for freight or other purposes, as may become

Rights and privileges.

Business and operations.

expedient ; and for such subsistence, care, handling and advances made upon stock, the said company may make and require to be paid such reasonable charges as may be just and proper, and shall have the power to lease the public house or hotel building, erected as aforesaid, upon such terms as they shall deem proper, or to make such arrangements for the management thereof as may be deemed advisable, from time to time ; and if the same shall be kept by said company, to fix such reasonable charges for the accommodation of said house, as shall be reasonable and just.

Construction of
railway — con-
nections.

§ 3. The said company are hereby authorized to construct a railway, with one or more tracks, as may be expedient, from the grounds which may be selected for its said yards so as to connect the same with the tracks of all the railroads which may enter the city of East St. Louis, in said county and state, and shall have the right and power to make such connections at such point or points as they may select, with such suitable side tracks, switches and connections as to enable all the trains running upon said railroads easily and conveniently to approach the grounds selected for said yards ; and may make such arrangements or contracts with such railroad companies, or either of them, for the use of any part or portion of the track or tracks of such company or companies which now is or hereafter may be constructed, for the purposes aforesaid, as may be agreed upon between the parties ; and shall have power and authority to locate and, from time to time, to renovate, change, alter, construct and reconstruct and fully to furnish and maintain its said railroad or railroads, side tracks and connections, and to transport and to be transported thereon, between said railroads and cattle yards, all cattle and live stock, and persons accompanying the same, to and from said yards ; and may also transport or allow to be transported, between the railroads so connected by the road or roads hereby authorized, by steam or other power, freight and property of every kind, as well as stock and cattle and passengers, and may fix and establish, take and receive such rates of toll for fare, for all freight, property and passengers, so transported between the said several railroads, as the directors shall, from time to time, establish ; and for the purpose of constructing said road and appurtenances and branches, shall have the authority and power to lay out, designate and establish the road, in width not exceeding one hundred feet, through the entire line thereof, and to mark out and designate the ground for such yard and other structures ; and may acquire such lands which may be necessary for the purpose of constructing said tracks, yards or other structures, either by purchase or in the manner hereinafter provided, with the right to let or demise the real property so acquired and the improvements thereon ; and

Contracts.

Renovations.

Transportation.

Width of road.

Acquire lands.

the said company shall have the right to locate their said road or branches across, along or upon any road or street.

§ 4. The said company shall have the right and power to take and receive, by purchase or otherwise, any lands or real estate, or interest in the same, which they may deem necessary for the purposes of carrying out the objects of this act; and in case they shall not be able to procure any such lands, real estate or interest in the same by purchase, gift or otherwise, for the purpose of locating the said yards, road and branches, they may proceed to condemn the same under and by virtue of the provisions of "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, A. D. 1852, and the acts amendatory thereof, or any other act in force at the time authorizing the condemnation of private lands for public purposes. Condemnation
of lands, etc.

§ 5. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and be deemed personal property and transferable as such on the books of the company, subject to such rules as the by-laws shall prescribe. The capital stock may be increased, from time to time, by a vote of the stockholders, to an amount not exceeding five hundred thousand dollars. Each share of stock shall entitle the holder thereof to one vote, for the purpose of increasing the capital stock and in the election of directors. Capital stock.

§ 6. The business of said company shall be conducted by a board of five directors, who shall be elected at the time and in the manner provided by the by-laws; and the directors may elect or appoint other officers and agents, as they shall deem proper, and may prescribe their powers and duties; may make by-laws, rules and regulations for the well-ordering of the affairs of said company, and the government of its officers. Directors.

§ 7. The said company is hereby authorized to borrow money, at a rate of interest not exceeding ten per cent. per annum, and may pledge the property and franchises of the company by mortgage or other instrument. Borrow money.

§ 8. Should it be necessary, for the construction of the road or roads hereby authorized to be built, to cross any stream or water course, it shall be lawful to construct the same upon or across the same. Crossings.

§ 9. This act shall be a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

In force March 7, 1867. AN ACT to authorize the Union Stock Yard and Transit Company of Chicago to increase its capital stock.

Amount.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of directors of the Union Stock Yard and Transit Company of Chicago, be and the same is hereby authorized, from time to time, to increase the capital stock of said company five hundred thousand dollars, in addition to its present capital; but no stock shall be issued for a less sum or amount than the par value thereof actually paid in, in cash.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to vacate Robinson street, in the town of Dunton, Cook county.

Street vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robinson street, in the town of Dunton, Cook county, be and the same is hereby vacated.

APPROVED March 7, 1867.

In force Feb'y 28, 1867.

AN ACT to vacate certain alleys herein named.

Alleys vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an alley running east and west as is between lots one, two, three and four, and lots five, six, seven and eight, in block nine, and so much of an alley running north and south between lots two and three, in block nine, in the town of Carthage, in the county of Hancock, Illinois, be and the same are hereby declared vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to vacate certain streets and alleys in the town of Camargo.

In force Feb'y
20, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of Locust street, beginning at the south-west corner of lot one, in Johnson's addition to New Albany (now Camargo), to the south-east corner of lot one, in Johnson's addition, as aforesaid; also, all of East street from the south-east corner of lot one, in Johnson's addition, as aforesaid, to the north-east corner of lot four (4), in said addition; also, all of Spring street, beginning at the north-west corner of lot four (4), in Johnson's addition, as aforesaid, to the north-east corner of lot twenty-six (26), in T. J. Atkinson's addition to the town of New Albany (now Camargo); also, the alley commencing on the south-east corner of lot thirty (30) to the north-east corner of lot twenty-nine (29), in Watson's and Atkinson's addition to New Albany (now Camargo), be and the same are hereby vacated, and the said part of street and alley hereby vacated shall belong to and the title is hereby vested in the owners of the adjoining lots.

Streets and al-
leys vacated.

§ 2. This act is hereby declared a public act, and shall take effect from and after its passage.

APPROVED February 20, 1867.

AN ACT to vacate certain alleys in Hawley's addition to the town of Carthage. In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running on the north side of block one, and the alley running on the east side of blocks one and four, in Hawley's addition to the town of Carthage, be and the same are hereby vacated, and the land heretofore belonging to said alleys shall revert to the owners of said blocks one and four, in said Hawley's addition to the town of Carthage.

Alleys vacated.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y
25, 1867.

AN ACT to vacate certain streets and alleys therein named.

Streets and al-
leys vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of Farm alley, Elizabeth street, Fremont streets, Garden street, York avenue, McConnell avenue, together with all that portion, part or parcel of Arbor avenue and Sophia street lying north of the south line of McConnell avenue, in McConnell's town of Turner, in the county of DuPage and state of Illinois, be and the same are hereby vacated, and the title to the land comprising said streets and alleys and parts of streets shall herewith revert back to Mary McConnell, the original owner, who is hereby invested with a clear title and with full power to dispose of the same in her own right.

§ 2. This act shall be in force from and after its passage.
APPROVED February 25, 1867.

In force April
25, 1867.

AN ACT to vacate certain parts of streets in the town of Winnebago, in the county of Winnebago.

Vacated sec-
tions described

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following described portion of the streets, hereinafter named, in the canal trustees' addition to the town of Winnebago, in the county of Winnebago, as the same are laid down in the recorded plat of said addition, may be and are by this act vacated, to-wit: So much of a street two rods in width, on the west side of said canal trustees' addition, as lies between the section line on the south side of said addition and Third North street; also, those parts of McRoberts and Swift streets lying between Third North street and the section line on the north; also, that part of Leavitt street lying between South street and Second South street; also, that part of South street lying west of McRoberts street.

APPROVED February 25, 1867.

In force Feb'y
25, 1867.

AN ACT to vacate an alley therein named.

Alley vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an alley as lies between lots numbered sixty-two (62) and sixty-three (63), in south addition to the town of Greenville,

in the county of Bond and state of Illinois, is hereby vacated, and the land contained in said alley to revert to the owner of said above described lots.

§ 2. This act shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to vacate certain useless streets and alleys in the Old Town of In force Feb'y
St. Clair. 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Water* Streets and al-
alley, that portion of Old Second or Hamilton and Old leys vacated.
Third or Main streets, lying north of Broadway, of the former town of St. Clair; all that part of Old Third street not included in a straight continuation of Main street, of the platted town of Illinois, if extended to Broadway; Old Fourth street from Railroad street to Division avenue, and that part of Old Fifth street lying southerly of Broadway; also, Old Railroad street, as originally platted, all in said Old town of St. Clair, which is now a part of the city of East St. Louis, St. Clair county, Illinois—be and the same are hereby vacated as public streets: *Provided*, and upon con- Proviso.
dition that the extensions of Third and Fourth streets and Collinsville plankroad street of the platted town of East St. Louis, to Broadway of the former town of St. Clair, shall be dedicated by Louisiana St. John, the owner of the ground over which such extensions pass, to public use as streets, in lieu of the old streets hereby vacated on the north side of Broadway: *And, provided*, and upon condition that Main Proviso.
street and Second street of Old Illinois Town, each extended in a straight line to Broadway, of the former town of St. Clair, be dedicated by said L. St. John, the owner of the ground over which such extensions pass, to public use as streets in lieu of the portions of Old Third, Fourth and Fifth streets, so vacated on the south side of Broadway: *And, provided*, that a street sixty feet wide, located on Proviso.
survey number one hundred and twenty-seven (No. 127) of the Cahokia common fields, along the southerly line of said survey, and extending from the St. Louis, Alton and Terre Haute railroad track and the St. Clair county turnpike (old route), shall be dedicated by said L. St. John, the owner of said ground, to public use as a street, in lieu of Old Railroad street, hereby vacated, and the space of ground ten feet wide lying between it and said proposed sixty foot street, which ten foot strip is hereby vacated.

Vacated singly
or connectedly § 2. Any street or alley herein named to be vacated may be vacated singly or in connection with one or more of the other streets or alleys herein named to be vacated, at any time whenever the nearest street to such vacated street or alley, designated to take the place thereof, shall be dedicated to public use as herein provided.

Dedication. § 3. The dedication required by this act of the several streets and alleys herein named, to be made by said Louisiana St. John, shall be made by the execution and acknowledgment of a plat or plats of said new street or streets, and the filing of the same for record, in the office of the clerk of the circuit court of St. Clair county, to be by him recorded as other plats are recorded, and upon the filing of the same the street or streets, alley or alleys, in lieu of which the said new street or streets, alley or alleys, shall be dedicated, shall immediately be deemed and be vacated, and the land covered by such vacated street or alley shall thereupon revert to Louisiana St. John, who is the legal representative of John L. St. John, the original proprietor of said town of St. Clair—any thing in any statute of this state to the contrary notwithstanding.

Reversion. § 4. This act shall take effect from and after its passage: *Provided*, that nothing in this act contained or expressed shall in any way affect, divest or disturb the right, title, interest or possession of the St. Louis, Alton and Terre Haute Railroad Company in or to the ground over which any of the streets or alleys herein described or vacated may pass or is located.

APPROVED February 25, 1867.

In force Feb'y 25, 1867. AN ACT to provide for the construction of a sidewalk in the townships of Batavia and Geneva, in the county of Kane.

Petitions for construction. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That when a majority of the property owners, resident between the corporate limits of the town of Batavia and the north half of section ten, (10,) in the township of Geneva, in said county, on the road lying on the west bank of the Fox river, shall petition for the construction of a sidewalk on the west side of said road, between the points above mentioned, it shall be the duty of the clerks of said townships, each in his own town, to notify the occupants (and the owners when known) of the property fronting on said road, between the points above mentioned, to construct such sidewalks, of plank or stone, in front of their respective lots or parcels of land, not less than three feet in width, within

Dimensions.

the space of sixty days, and to the entire satisfaction and acceptance of the commissioners of highways of the township in which located. Where plank shall be used the same shall not be less than two inches in thickness, nor more than eight inches in width, to be laid upon suitable bearings, and securely spiked: *Provided, however,* that when any sidewalk shall have been thoroughly constructed of gravel or macadam, prior to the signing of such petition, it shall not be necessary to construct the same anew under this act.

§ 2. If any such resident property-owner shall refuse or neglect to construct the walk in front of his premises, as required, he shall be liable to a penalty of five dollars for each and every week the same shall remain unbuilt, after the expiration of the sixty days, to be sued for and collected by the commissioners of highways, in the name of their respective townships; and after such neglect, it shall be the duty of the commissioners of highways of said townships, in their respective townships, to make assessments upon property as shall by them be deemed benefited by the construction of so much of such walk as shall not have been constructed, for the estimated costs of the same; which assessment roll shall be levied and collected as are the assessment rolls of drainage commissioners in said county; and when the moneys so assessed are collected, they shall be used by said commissioners in the construction of said walk.

§ 3. If any person shall willfully and maliciously tear up, remove or injure any portion of said walk, he shall be liable to the township in which the injury may have been done in the amount of five dollars, or such greater sum as shall be equal to the injury wrought.

§ 4. It shall be the duty of the commissioners of highways of the townships of Batavia and Geneva, each in their respective townships, to cause said walk to be kept in a good and thorough state of repair, and to prosecute proceedings under section three of this act.

§ 5. Any person who shall willfully ride, lead or drive any horse, mule, beast of burden or vehicle along and upon said walk, or any portion thereof, shall forfeit the sum of five dollars for every offense, or such greater sum as shall be equal to the injury done to the walk; and any resident person on said road may arrest, upon view, any person guilty of the conduct in this section prescribed, and conduct him before any justice of the peace in said townships, for examination and trial, and, upon conviction, he shall be fined as provided in this section; and no person, by reason of residence in either of said townships, shall be disqualified as a witness in any proceedings under this act.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

Vol. III—14

In force Feb'y 19, 1867. AN ACT to vacate certain streets in the town of Tuscola, and for other purposes.

Streets vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the streets lying between blocks one and two, one and eight, in Wamsley and Cannon's addition to Tuscola, be and they are hereby vacated.

Ordinances legal and binding. § 2. That all ordinances and parts of ordinances passed by the president and board of trustees of the said town of Tuscola, and not repealed by said president and board of trustees, are hereby declared legal and binding.

§ 3. This act is hereby declared to be a public act, to be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb'y 19, 1867. AN ACT to vacate a portion of a certain street in the town of Upper Alton.

Vacated street. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Cherry street as passes between blocks five and six, in Delaplain and Smith's addition to the town of Upper Alton, Madison county, Illinois, be and the same is hereby vacated.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1867.

In force April 28, 1867. AN ACT to vacate a part of a certain street therein mentioned.

Vacated streets. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of a street formerly laid out and platted, between block two (2) and block three, (3,) in the canal trustees' subdivision of the north half of section thirty-three, (33,) of township forty (40) north, of range fourteen (14) east of the third principal meridian, which part of said street extends from the south line of said blocks to the north line of said section, be and the same is hereby vacated.

APPROVED February 28, 1867.

AN ACT to vacate certain streets and alleys in the town of Centerville, in the county of St. Clair. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much Vacated streets and alleys. of the alley as lies between lots number thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) thirty-five, (35,) thirty-six, (36,) on the one side, and lots number sixty-one, (61,) sixty-two, (62,) sixty-three, (63,) sixty-four, (64,) sixty-five (65) and sixty-six, (66,) on the other side, be vacated, and so much of Madison street also be vacated as lies between lots number sixty-one, (61,) sixty-two, (62,) sixty-three, (63,) sixty-four, (64,) sixty-five (65) and sixty-six, on the one side, and lots number seventy-nine, (79,) eighty, (80,) eighty-one, (81,) eighty-two, (82,) eighty-three (83) and eighty-four, on the other side.

§ 2. The above described lots all lie in Glass and Stookey's addition to the town of Centerville, in St. Clair county. Location.

§ 3. This act to be in force from and after its passage.
APPROVED February 28, 1867.

AN ACT to vacate a certain alley in the town of Anna, Union county. In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much Vacated alley. of an alley running east and west between the following lots, to-wit: Sixty (60,) fifty-nine (59,) fifty-eight (58,) fifty-seven (57,) fifty-six (56,) fifty-five (55,) fifty-four (54,) fifty-three (53) and fifty-two (52,) in W. Davies' second addition to the town of Anna, and lots fifty-eight (58,) fifty-nine (59,) sixty (60,) sixty-one (61,) sixty-two (62,) sixty-three (63,) sixty-four (64,) sixty-five (65,) and sixty-six (66,) in W. Davies' original survey of the town of Anna, and being that part of said alley, running east and west between High street and Spring street, be and the same is hereby declared vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to vacate a part of River street, in Kankakee city.

In force March 7, 1867.

WHEREAS, the Home Flax Company are the owners of Preamble.
block No. twenty-two and block No. twenty-five, in Thomas R. Vanmeter's, Linsley's, Newton's and Henry Bacon's

addition to the city of Kankakee, and use said block for manufacturing purposes, and are the owners of the reversionary interest in all that part of River street which lies between said blocks, and is desirous of having said part of said street vacated; therefore,

Vacated streets. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of River street which lies between block twenty-two (22) and block twenty-five (25,) in Thomas R. Vanmeter's, Lindsley's, Newton's and Henry Bacon's addition to the city of Kankakee, be and the same is hereby declared vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 5, 1867. AN ACT to vacate certain blocks, lots, streets and alleys in the town and city of Nauvoo, Hancock county, and also to vacate certain blocks, lots, streets and alleys in Commerce City, Hancock county.

Block vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That blocks numbered twenty-two (22,) fractional block twenty-three (23,) and block twenty-four (24,) in the town and city of Nauvoo, in the county of Hancock; also lots one (1,) two (2,) in block one (1,) block nine (9,) and block ten (10,) in Commerce City, Hancock county, be and are hereby vacated.

Streets and alleys vacated. § 2. That all the streets and alleys platted and laid out on said blocks twenty-two (22,) fractional block twenty-three (23,) and block twenty-four (24,) excepting Main street and Water street, and all of Brattle street lying west of Main street, in the town and the said city of Nauvoo, be and are hereby vacated.

Description. § 3. That all streets and alleys heretofore platted and laid out on block nine (9) and block ten (10,) and all of Madison and that part of Market street lying east of block ten (10,) and all of Franklin street lying north of block eleven (11,) in Commerce City, Hancock county, be and the same are hereby vacated.

§ 4. This act shall be deemed a public act and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to vacate certain blocks, alleys, streets and lots in the town of In force Feb'y
Spring Bay. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much ^{Vacated.} of the town plat of the town of Spring Bay, including all the blocks, lots, streets and alleys in said town as lie south and east of Tremont street, and described as being blocks numbered thirty-four (34,) thirty-five (35,) thirty-six (36,) thirty-seven (37,) thirty-eight (38,) thirty-nine (39,) forty (40,) forty-one (41,) forty-two (42,) forty-three (43,) inclusive, be and the same are hereby vacated.

§ 2. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 21, 1867.

AN ACT to vacate a certain alley in the town of Secor, in Woodford In force Feb'y
county, in the state of Illinois. 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that ^{Alley vacated.} part or portion of the alley running through block number nine (9,) and extending from First street to Second street, in said town of Secor, be and the same is hereby vacated.

§ 2. This act shall be deemed a public act, and to be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to vacate a part of Court street, in Sleight's addition to the town In force April
of Naperville, in DuPage county. 21, 1867.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That twenty <sup>Twenty feet va-
cated.</sup> feet in width on the west side of that part of Court street, in Sleight's addition to the town of Naperville, in DuPage county, which adjoins lot three, in block two, of said addition, be and the same is hereby vacated.

APPROVED February 21, 1867.

In force Feb'y 21, 1867. AN ACT to vacate a certain alley in the town of Mt. Pulaski, in Logan county.

Alley vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running from north to south through block twenty-seven (27,) in the town of Mt. Pulaski, in the county of Logan, be and the same is hereby declared vacated.

§ 2. This act shall be in force and effect from and after its passage.

APPROVED February 21, 1867.

In force Feb'y 23, 1867. AN ACT to vacate certain streets in Trumbull's sub-division of the east half of the southwest quarter of section two, in township five (5,) north, in range ten (10) west, of the third (3d) principal meridian, in Madison county, Illinois.

Streets and alleys vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Chouteau avenue, running between blocks ten (10,) eleven (11,) and twelve (12,) and blocks one (1,) two (2) and three (3;) and, also, so much of John street as adjoins blocks one (1) and four (4,) all of said streets and blocks being in Trumbull's sub-division of the east half of the southwest quarter of section two (2,) township five north, range ten (10) west, of the third principal meridian, in Madison county, Illinois, be and the same are hereby vacated.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 23, 1867.

In force May 5, 1867. AN ACT to vacate a street in Cleaverville, Cook county.

Street vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the street platted as Michigan terrace, between Oakwood avenue and Brook street, in Cleaverville, be and the same is hereby vacated; and that the title to the same is hereby vested in the owners of the lots adjoining the same, to-wit: lots 1, 4, 5, 8, 9, 12, 13 and 19, in block 8, in Cleaverville, in proportion to their respective frontage on said vacated street.

APPROVED March 5, 1867.

AN ACT to vacate an alley in Arlington, Bureau county.

In force March
5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running through block number sixteen (16), in Gibson's addition to the town of Arlington, in Bureau county, be and the same is hereby vacated. Alley described

§ 2. This act shall be deemed and held as a public act, and shall be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to vacate a part of a certain street therein mentioned.

In force May
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of a street formerly laid out and platted between block two (2) and block three (3), in the canal trustees' subdivision of the north half of section thirty-three (33), of township forty (40) north, of range fourteen (14) east of the third principal meridian, which part of said street extends from the south line of said blocks to the north line of said section, be and the same is hereby vacated. Vacated streets.

APPROVED March 7, 1867.

AN ACT to vacate certain streets, avenues and alleys of the town of Petersburg. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the streets, avenues and alleys of Allen's addition to the town of Petersburg, excepting Enterprise street, as the same are platted and recorded in the recorder's office of Menard county, be and the same are hereby vacated. Vacated streets.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March
8, 1867.

AN ACT relating to streets in East Quincy, in the county of Adams.

Declared public
highways.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all streets, avenues, ways or roads in what is commonly called East Quincy, situated in the north-west corner of the north-west quarter of section six, in township two south, of range eight west of the fourth principal meridian, in the county of Adams, which have heretofore been opened and used as such, by the public, for more than twenty years, be and they are hereby declared to be public highways, within the meaning of the law relating to streets, avenues, ways or roads, which have been open to the use of the public for twenty years.

Removal of ob-
structions.

Commissioners
therefor.

Duties of.

§ 2. If any of said streets, avenues, ways or roads have in any manner been obstructed so the same can not be used or traveled by the public, it shall be the duty of James E. Furness, Thomas Neal and Joshua Perry, who are hereby appointed commissioners for that purpose, or any two of them, to cause said obstructions to be removed as soon as possible; and it is also hereby declared to be the duty of the commissioners of highways of the township of Melrose, in said county of Adams, to keep said streets, avenues, ways or roads open and worked as other highways, and for any neglect of duty on their part, in this respect, they shall be subject to indictment, and upon conviction shall be fined for each offense in a sum not less than fifty nor more than one hundred dollars, each, and moreover be liable to the party injured.

§ 3. It shall, moreover, be the duty of the commissioners aforesaid, named in the second section of this act, to wit: James E. Furness, Thomas Neal and Joshua Perry, to open or cause to be opened, as speedily as possible, said streets, avenues, ways or roads such width as they may deem the public interest may require, from Twenty-fourth street, in the city of Quincy, to the main highway or road running on the east side of said East Quincy and terminating on Broadway street, extended in Quincy, running by and in front of the residence of Isaac N. Morris, and from Main street, extended in said Quincy, on the north side of said East Quincy to said Broadway street, extended in said city, running on the north side of said East Quincy, conforming their action in this respect, as nearly as possible, to a survey made of said East Quincy by Charles Petre, the present county surveyor of Adams county, and the plat of said survey by him prepared, which they shall file with the town clerk of said Melrose township, together with a report of their acts and doings in the premises; which shall, by said clerk, be recorded and kept in his office.

§ 4. Should any person or persons claim to be damaged by the widening, opening or extending any of said streets, avenues, ways or roads, which shall be considered and kept open as public highways, the same shall be assessed by said commissioners, James E. Furness, Thomas Neal and Joshua Perry, or any two of them, and paid as now provided by law for paying damages assessed for opening roads or public highways. Should any such person or persons claiming such damage be dissatisfied with the decision of said commissioners, they may take an appeal to the board of supervisors of Adams county, whose judgment shall be final in the premises; but no such appeal shall delay the widening, opening or extending of any of said streets, avenues, ways or roads.

Damages — assessments of — appeals.

§ 5. The said commissioners shall each receive two dollars and a half per day, and all incidental expenses of survey, for their services—to be paid out of the county treasury, upon the order of the board of supervisors of said Adams county, who are hereby required to make the same.

Commissioners' compensation.

§ 6. The appeal allowed by the third section of this act shall be taken within ten days after the commissioners shall have rendered their decision or make their award, and not hereafter; which appeal may be effected by the parties interested notifying the commissioners, in writing, of their purpose or desire to take the same; whereupon the said commissioners shall file the papers pertaining to the matter of said assessment with the county clerk, who shall lay them before the board of supervisors for their action thereon.

Appeals.

§ 6. This act shall be deemed and considered a public law, and shall be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to legalize a tax levied in school district number one, in township 19, range 8 east, in Champaign county, Illinois, and for other purposes.

In force Feb'y 25, 1867.

WHEREAS, at an election held in school district number one, in township nineteen north, of range eight (8) east, in Champaign county, on the sixth (6th) day of August, A. D. 1866, it was determined, by a majority of the legal voters hereof voting, to levy and assess upon all the taxable property of said district three (3) per centum, for the purpose of building a school house in said district—the same to be levied and collected in one, two and three years; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That said election, held on the said sixth day of August, A. D. 1866, at*

Election of 6th Aug., 1866, legalized.

Champaign, in said district number one, in said township nineteen (19) north, range 8 east, aforesaid, be and the same is hereby legalized and declared in all respects valid.

Indebtedness.

§ 2. The directors of said school district, for the purpose of building a school house in said district, are hereby authorized and empowered to borrow money, in amounts not to exceed twenty thousand dollars, and issue bonds or obligations for the security and payment of the same, and for which payment, with interest, the inhabitants of said district shall be held and bound, in accordance with the tenor and effect of said bonds or obligations; and that said bonds or obligations shall not be issued in less amounts than one hundred dollars, nor bear a greater interest, per annum, than ten (10) per centum.

§ 3. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 25, 1867.

In force Feb'y 9, 1867. AN ACT to authorize the county of Hamilton to levy a tax to build a fire-proof clerk's office.

Special tax.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Hamilton county be and the same is hereby empowered, whenever it may deem the best interest of said county to require it, to levy a special tax on all real and personal property of said county, subject to taxation by the laws of this state, for the purpose of erecting in said county a fire-proof clerk's office, to preserve from destruction the public records of said county.

Amount.

§ 2. Said amount hereby authorized to be raised shall in no event exceed the sum of \$10,000, nor shall said courts be authorized, for the purposes herein, to levy a tax in any one year to exceed the amount of one dollar on each one hundred dollars of taxable property in said county.

Special tax—
purpose of.

§ 3. Said county court is hereby authorized, also, to levy a special tax, not exceeding ten cents on each one hundred dollars of taxable property in said county, to raise a fund for the purpose of paying off any registered county orders or interest bearing bonds that may be due from said county.

§ 4. This act to be in force from and after its passage.
APPROVED February 9, 1867.

AN ACT to authorize Pulaski county to borrow money.

In force March
9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county clerk of Pulaski county, Illinois, be and is hereby authorized to borrow money, and issue the bonds of said county in such denominations as they may deem proper, for a sum not exceeding fifty thousand dollars, and at a rate of interest not exceeding ten per cent. per annum, for the purpose of liquidating the present county indebtedness, and for the purpose of repairing the present county buildings, roads and bridges, or constructing new county buildings, roads and bridges, and for any other county improvements. Bonds.

§ 2. Said bonds shall, before issuing, be signed by the county judge and at least one of the associates, and countersigned by the county clerk, with the seal of said court affixed, and made payable at such times and places as said court may direct—the interest on which may be made payable, semi-annually, at the rate aforesaid, and to be receivable for all county taxes. How signed—when and where payable.

§ 3. That the aforesaid county court is hereby authorized to levy a special tax upon all the taxable property in said county, not exceeding five mills on the dollar, per annum, for the purpose of liquidating the indebtedness created by this act; which said tax shall be collected at the same time, in the same manner and by the same officers who collect the revenue for state and county purposes. Special tax.

§ 4. The said county court shall appoint the county clerk or some other suitable person, who shall keep a record of the bonds issued by the numbers thereon, to whom payable, where payable, for what amount, at what rate of interest, when payable, and when paid. Record of bonds

§ 5. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED March 9, 1866.

AN ACT to legalize the war bonds issued by the board of supervisors of Fayette county, and to legalize all proceedings had in reference to the assessment, levying and collection of taxes to pay said bonds, and for extending the collection of taxes. In force Feb'y 12, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Fayette county war bonds, issued by the board of supervisors of the county of Fayette, at the February special term, A. D. 1865, to volunteers who enlisted to fill the quota of soldiers of the county of Fayette, under calls for troops of Bonds issued legal and valid

December, 1864, be and the same are hereby legalized; and the bonds issued by the said board of supervisors, at said special term, or by their order, shall be valid in law and binding upon said county, and shall remain in full force and effect according to the terms thereof.

Special tax. § 2. The board of supervisors of said county be and they are hereby authorized and empowered to levy a special tax, not exceeding three per centum per annum, on all real and personal property subject to taxation in said county, to pay the principal and interest on said bonds, issued as aforesaid, by said supervisors, as the same shall become due and payable by the terms of said bonds.

Levying, etc. § 3. The aforesaid special tax shall be levied in the same manner and collected the same and at the same time that all other taxes are levied and collected in the county of Fayette.

Ratified and valid. § 4. All taxes that have been assessed and levied for the purpose of paying the principal and interest on said bonds, issued as aforesaid, be and are hereby ratified and declared valid in law in all respects.

Sales of land. § 5. No sales of lands or real estate in said county of Fayette, for taxes due thereon, under and by virtue of a judgment of the county court of said county, entered at the June term, 1866, shall be deemed or taken to be invalid or illegal in consequence of taxes having been assessed and levied to pay principal and interest on said bonds, nor shall any certificates of purchase, issued by the proper officers in pursuance thereof, be construed in any manner to be illegal in consequence of said tax.

Collection extended. § 6. The collection of taxes in the county of Fayette be and is hereby extended until the 25th of March, 1867.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1867.

In force Feb'y 13, 1867. AN ACT to repeal an act entitled "An act to authorize the township of Fountain Green, in the county of Hancock and state of Illinois, to levy and collect a tax to pay volunteers in the military service of the United States, and for the relief of Jacob S. Ross, late collector of said Fountain Green township."

Act repealed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to authorize the township of Fountain Green, in the county of Hancock, and state of Illinois, to levy and collect a tax to pay volunteers in the military service of the United States," approved February the 16th, 1865, be and the same is hereby repealed.

§ 2. That Jacob S. Ross, late collector of said Fountain Green township, be and he is hereby authorized and empowered to return all money or property, now remaining in his hands as such collector, which he has, as such collector, collected or took by process of law, for taxes levied by virtue of the law repealed by this act; and that, upon the return of said money and property, that the said Jacob S. Ross be and he is hereby relieved from all further duty and responsibility or liability for any act done under and by virtue of said law, and that he, and his securities on his bond as such collector, be and they are hereby relieved from all further responsibility on said bond, on account of money or property so returned by him under the provisions of this act, on account of the failure of said Jacob S. Ross to collect any part of the taxes levied under said act which is by this act repealed.

Return of money, etc.

Relief from duty

§ 3. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT to legalize and provide for the collection of certain taxes levied in the towns of DuPage and Wilton, in Will county, in the year 1864. In force Jan'y 30, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the taxes levied in the town of DuPage, in the year 1864, for the purpose of reimbursing moneys advanced by certain individuals, for the purpose of filling the quota of said town in the army of the United States, and the taxes levied in the town of Wilton, in said county, in the same year, for the purpose of paying a bounty to volunteers to fill the quota of said town, in the army aforesaid, as extended upon the tax books of said towns, respectively, for that year, both be and the same are fully legalized and confirmed in all respects; and the county clerk of said county is authorized and required to issue, as soon hereafter as may be, new warrants to the collectors of said towns for the collection of said taxes, and that said collectors, on receiving such warrants, proceed to collect said taxes in the same manner as other taxes are collected; and that if, for any cause, either of said collectors shall fail to collect such taxes or any part thereof, and it shall become necessary that other warrants be issued, the said clerk is empowered and required to issue still other and further warrants for such taxes, from time to time, until the whole shall be collected; and that said collectors return such warrants, in time for judgment to be

Taxes levied in 1864, legal.

Issue of new warrants.

obtained on the delinquents at the May term of the county court of said county.

This act to take effect and be in force from and after its passage.

APPROVED January 30, 1867.

In force Jan'y 30, 1867. AN ACT to legalize a certain tax levied by the board of supervisors of Rock Island county.

Taxes levied in 1866 legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all taxes levied during the year 1866 by the board of supervisors of Rock Island county, in any of the townships in said county, as bounty taxes, be and the same are hereby legalized and declared valid, and the same are hereby ordered to be collected in like manner as other taxes levied by order of said board.

§ 2. This act shall be in force from and after its passage.

APPROVED January 30, 1867.

In force Feb'y 18, 1867. AN ACT to authorize the county of Jersey to levy a special tax.

Rate, etc.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of the county of Jersey is hereby authorized to levy a special tax, at a rate not exceeding five mills upon each dollar's worth of property, upon all the taxable property in said county, to be assessed and collected as other county taxes are assessed and collected, for the year one thousand eight hundred and sixty-seven, for the purpose of erecting a county jail for said county.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 18, 1867.

AN ACT to enable the town of Tampico and the town of Jordan, in the county of Whiteside, to levy and collect a bounty tax. In force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the next annual town meeting to be held in the town of Tampico and in the town of Jordan, in the county of Whiteside, the question whether said towns shall, respectively, be taxed to pay to those persons who advanced money to aid in filling the quota of said towns, under the calls of the president of the United States for volunteers for the army of the United States, to suppress the rebellion, during the years of 1862, 1863 and 1864 and 1865, shall be submitted to the legal voters thereof, by ballot. The ballots used at said election may be either written or printed, and shall be "for bounty tax," or "against bounty tax;" and if the majority of the votes cast at said election, in either or both of said towns, shall be "for bounty tax," then such tax shall be levied and collected, as hereinafter provided, in said town so voting for said bounty tax.

Question of—
purpose—elec-
tion for.

§ 2. The board of town auditors of said town shall, at their next meeting, or as soon thereafter as may be convenient, meet at the office of the town clerk of said town, and hear all persons having claims for money or other valuable considerations advanced to aid in filling the quotas of said towns, respectively, under said calls; and shall audit and allow all just and equitable claims for money so advanced, in favor of the respective parties so having advanced the same; and shall issue to each person a certificate, under the hand of the town clerk of such town, for the sum so audited and allowed to each; and such certificate shall thereupon be evidence of a legal and valid claim against said town for the amount thereof, and interest thereon till its payment; and said board of town auditors shall certify to the next annual meeting of the board of supervisors of said county the total amount so audited and allowed by them, and the same shall be by said board extended on the tax books of said towns, respectively, as a town bounty tax, and shall be collected as other taxes for town purposes are now by law levied and collected; and the same shall be paid over to the supervisors of said towns, respectively.

Board of audi-
tors.

§ 3. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y 18, 1867. AN ACT to enable the county of Logan to levy a special tax to build a jail, erect bridges, and other improvements.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* county court of the county of Logan, in the state of Illinois, be and is hereby authorized to levy a special tax on the taxable property of said county, not exceeding one per cent. in any one year, for the purpose of building a jail, erecting bridges, and other public improvements in said county—said tax to be levied, extended and collected in the same manner as other state and county taxes.

Rate of—how collected. § 2. The powers herein conferred upon the county court of Logan county shall be vested in the board of supervisors of Logan county, whenever said county shall have adopted the system of and organized under the laws of this state providing for township organization.

Vested powers. § 3. This act shall be a public act, and be in force and effect from and after its passage, for a period not exceeding four years.

APPROVED February 18, 1867.

In force Feb'y 19, 1867. AN ACT to authorize the county of Cumberland to levy and collect a special tax for the purpose of building bridges in said county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* board of supervisors of the county of Cumberland be and are hereby authorized to order to be levied and collected a special tax, as other county revenue is levied and collected, of not more than thirty cents upon each one hundred dollars' worth of valuation of real and personal property in said county, annually; which tax, when collected, to be appropriated to building a bridge or bridges in said county.

Special tax. For building bridges. § 2. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb'y 19, 1867. AN ACT to legalize a tax levied by the town of Kankakee for road and bridge purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* action of the board of town auditors of the town of Kan-

takee, in the county of Kankakee, in making a levy and assessment of a special tax, for the year one thousand eight hundred and sixty-six, of four mills on the hundred dollars' valuation of property, for the purpose of building and keeping in repair the roads and bridges of said town, be and the same is hereby legalized and approved.

Levy and assessment for 1866, legalized.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 19, 1867.

AN ACT to extend the time for the collection of taxes in Belvidere township, in Boone county. In force April 26, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the collection of taxes in the township of Belvidere, in the county of Boone, be and the same is hereby extended to the twentieth day of March next, 1867, and that all rights and remedies for the collection of taxes in said town shall remain in full force and exercise, as if said time had not been extended. Extension.

§ 2. The securities of the collector of said town shall respect be released from their obligation by such extension. Securities.

APPROVED February 26, 1867.

AN ACT to enable the town of Mount Pulaski to levy a special tax for certain purposes therein named. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of the town of Mount Pulaski, in the county of Logan, be and are hereby authorized and empowered to levy a tax, not exceeding two per cent. on all the taxable property, both real and personal, in the said town of Mount Pulaski, for the purpose of erecting a jail, wherein such persons, convicted of violating the laws of said town, or who refuse to pay the fines assessed or adjudged against them, or from whom the fines assessed or adjudged against them can not be collected, may be confined until such fines are paid to the proper officers of said town. Rates of—penalties for non-payment.

§ 2. This act shall be a public act, and shall be and remain in force for three years after its passage.

APPROVED February 28, 1867.

In force March 1, 1867. AN ACT to authorize the town of Padua, in the county of McLean, to levy a special tax to refund money furnished to pay bounties to volunteers.

Rate of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Padua, in the county of McLean, be and is hereby authorized and empowered to levy a special tax on all the taxable property in said town, not to exceed one per cent., in the year 1867, for the purpose of refunding to sundry persons money furnished by them to pay bounties to volunteers from said town.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED March 1, 1867.

In force March 5, 1867. AN ACT to authorize the towns in Cook county to levy a tax for road purposes.

Determined by vote.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at any annual or special town meeting, held in the towns or any town in Cook county, outside of the city of Chicago, as now provided for by law under the township organization acts, or as hereinafter may be provided by law, for calling an annual or special town meeting, after giving ten days' notice thereof, the legal voters of said towns may determine whether they will or not macadamize, gravel, plank, clay or otherwise improve or construct any road or part of road in such town, by a majority vote of all the voters voting thereon at such town meeting.

Road improvements—tax levied for.

§ 2. Whenever the legal voters, at such town meeting, shall determine to macadamize, gravel, plank, clay or otherwise improve or construct any road or part of any road, as provided in section one of this act, then the commissioners of highways in such town shall make an estimate of the cost thereof, and shall levy a tax upon the taxable property of said town, which tax shall be levied and collected as is now provided by law; or may issue bonds of said town, which bonds shall be made payable at such times and in such amounts and such places as the commissioners of highways shall determine: *Provided*, that said bonds shall not bear a higher rate of interest than ten per centum per annum.

Issue of bonds—collection of tax.

§ 3. That if the commissioners of highways shall determine to issue bonds, as provided in section two of this act, and shall issue bonds as therein provided, then the said commissioners of highways shall levy and collect an annual

tax, not to exceed sixty cents on each one hundred dollars of taxable property of said town; which tax, so levied, shall constitute a sinking fund for the payment of the principal and interest of said bonds, and shall be used for no other purpose.

§ 4. This act shall be a public act, and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to authorize the board of school inspectors of the city of Peoria to levy a tax. In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the board of school inspectors of the city of Peoria to levy, each year, such a rate of tax, not exceeding sixty (60) cents on the one hundred dollars, as they, in their discretion, may determine, and to report the same to the city council at least thirty days before the tax for city purposes shall have been extended upon the tax books of said city; and said city council shall order the clerk of the said council to extend said rate of tax, so reported by said board of inspectors, upon the tax books of the city for the current year. Taxation.

§ 2. That section (2) two of an act entitled "An act to amend an act entitled 'an act to amend the charter of the city of Peoria, and to establish and regulate a system of public schools in said city,' and approved February 16, 1865," is hereby repealed, but all other sections of said act shall remain in full force and effect. Repealed sections.

§ 3. This act is hereby declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to authorize the legal voters in the south half of township six north, range ten west, and the fractional part of township five north, range ten west, lying outside the city of Alton, of third principal meridian, in Madison county, Illinois, to levy a tax for the purpose of grading, macadamizing and improving certain roads. In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the district of country in Madison county and state of Illinois known and described as the south half of township six and the Election district. dis-

fractional part of township five, outside of the city of Alton, in range ten west of the third principal meridian, is hereby constituted into an election district, for the effects and purposes hereinafter mentioned.

Taxes.

Be it further enacted, That for the purpose of grading and macadamizing the public road from the north end of what is known as the plank road, in the north boundary line of the city of Alton, to the line between townships five and six north, range ten west, distance about one mile, the legal voters living within said district are hereby authorized to levy a tax, not exceeding one-half of one per cent. per annum, upon the real estate and personal property within said district.

Judges of election—clerks.

Be it further enacted, That J. G. Smith, Joseph Peters [and] John M. Peirson are appointed judges of said election, who shall give public notice, in at least four places within said district, of the time and place of holding said election, and of the object to be voted on. Before opening the polls the said judges shall appoint two clerks, who shall be legal voters in the district, who shall keep a record of the proceedings of the said election in the same manner as is provided for the election of county officers. The said election shall be by ballot—the voter writing upon his ballot “For the tax” or “Against the tax,” as he may prefer. The said judges and clerks shall be sworn, and the said election shall be conducted in the same manner as is provided for the election of county officers. If it shall appear, after closing the polls, that a majority of the votes are for the tax, one of the poll-books shall be returned to the clerk of the county court and the other be retained by the judges of election.

Form of ballot.

Public notice of election — officers—bonds of.

Be it further enacted, That it shall be the duty of the said judges, if a majority of the votes are in favor of the tax, to give public notice, in manner and form heretofore given, that an election will be held, at a time and place specified in the notice, for an election for three commissioners, a collector, and a treasurer, who shall hold their office for a term of two years and until their successors shall be elected and qualified. The said collector and treasurer shall give bonds, with security, for the faithful performance of their duties, in such amount as the said commissioners may require.

Name and style

Be it further enacted, That the said commissioners shall be constituted a body corporate and politic, by the name and style of “The Monticello Valley and Alton Macadam Highway Company,” and by that name shall have succession for the term of ten years; may sue and be sued, complain and defend in any court of law or equity. The said commissioners shall appoint one of their number for president, and may appoint a clerk, if they deem it necessary. The said clerk shall keep a record of the proceedings of the board, and perform such other duties as may be required by the board. The commissioners shall be entitled to receive,

Powers.

out of the proceeds of the tax, as a compensation for their services, two dollars per diem, for the time necessarily employed in the performance of their duties, under the provisions of this act; and they shall allow the collector, treasurer and clerk of the board a reasonable compensation for their services.

Be it further enacted, That the said commissioners shall be authorized to contract with one or more persons for the grading and construction of said road, and shall require bond and security for the faithful performance of all contracts. Contracts.

Be it further enacted, That when the said road shall be completed to the point indicated in section two, the said commissioners shall call a meeting of the legal voters of the district, giving the same notice required in the third section of this act, for the purpose of deciding whether a tax shall be levied in the district to grade and macadamize the public road from the point of intersection with the line between townships five and six north, northwardly, towards Monticello; and, also, the public road leading from Upper Alton to Grafton, or such parts of said roads as the said commissioners may elect. The said election shall be conducted in the same manner as provided in said section. If it shall appear that a majority of the votes are in favor of the tax, one-third of the amount arising from said tax shall be appropriated to the Alton and Grafton road and two-thirds to the Alton and Monticello road. Meetings—purpose of.

Be it further enacted, That the county court shall keep the roads, thus macadamized, in repair, or such parts thereof as may be finished and turned over to the county. The county court of Madison county are hereby authorized to make such appropriations, in aid of the construction of the said road, as, in their judgment and discretion, may seem just and reasonable. Repairs of road—appropriation

Be it further enacted, That as a basis of taxation the clerk of the board shall obtain, from the county assessor, a certified copy of the assessment of the district, from which he shall make out blank receipts, for the use of the collector, who shall have the same power and authority, in the collection of the tax, that the collector of the county revenue now has or may have under the laws of this state. Assessments—copy of, etc.

Be it further enacted, That all moneys drawn from the treasurer shall be by warrant, signed by the president of the board and countersigned by the clerk. Warrants.

This act to be in force from and after its passage.

APPROVED March 6, 1867.

In force March 7, 1867. AN ACT to enable the county of McDonough to levy and collect a tax to build a court house and jail.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of McDonough, in said state, be and they are hereby authorized and empowered, at any regular or stated meeting of said board, to order a tax to be levied and collected upon all real and personal property, liable to taxation, in said county, including the city of Macomb, of not exceeding two per cent. on each and every one hundred dollars of the assessed value of such property, for the purpose of building a new court house and jail or a new court house in said county—said tax to be levied at such times and in such amounts as said board may deem advisable: *Provided*, that no more than one tax shall be levied, in any one year, for such purpose.

§ 2. Any and all taxes levied and collected under the provisions of this act shall be levied, extended and collected at the same time and in the same manner and by the same officers as county taxes now are or may hereafter be levied, collected and extended in said county; and when collected shall be subject to the disposition of said board of supervisors in the manner and for the purposes contemplated by this act.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force May 9, 1867. AN ACT to enable the inhabitants of Dwight township, county of Livingston, to levy a tax for the purpose of experimenting for coal.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the county court of Livingston county, in the state of Illinois, be required to apportion and extend a tax of — mills on every dollar's valuation of taxable property in township 30 north, of range 7 east, including the town of Dwight, on the collector's book for said township, for the year 1867, by itself, styled "coal tax"—said tax to be collected as other taxes are, by law, for county, state and other purposes, and when collected to be paid over to David McWilliams, J. H. Hagerty and H. Eldridge, who are hereby appointed commissioners to conduct all operations necessary for a proper examination for stone coal in the vicinity of said town of Dwight. Said commissioners shall give bond to the super-

visors of said town of Dwight, for the use of the inhabitants thereof, in double the amount of the sum raised by said tax, conditioned for the due and proper application of all moneys, so coming into their hands as such commissioners, to the purposes aforesaid. Any moneys left unexpended, after making experiments satisfactory to said commissioners, shall be paid over by said commissioners into the general school fund of the town of Dwight, and shall form a part of said school fund: *Provided*, that this act shall not take effect or be in force until the same shall have been voted upon, at the next election for town officers in said town of Dwight, in the following manner, viz: All those electors who shall vote for said tax shall denote the same by placing upon their ballots "For coal tax law," either written or printed; and if, at such election, a majority of all the votes cast shall be for the said tax, then this act shall thereupon be in force and take effect; otherwise the same shall not take effect or be in force in any manner whatsoever.

Disposition of unexpended moneys.

Proviso.

APPROVED March 9, 1867.

AN ACT to authorize the president and trustees of the town of Bushnell to levy and collect a tax in aid of the Toledo, Peoria and Warsaw Railroad. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the president and trustees of the town of Bushnell, in the county of McDonough, and state of Illinois, be hereby authorized to levy a tax upon all the property, both real and personal, within the bounds of the corporate limits of said town, not exceeding in the aggregate twelve thousand dollars, and collect the same as other taxes of said town are collected, for the purpose of procuring the right of way for the Toledo, Peoria and Warsaw Railway through said town, and for building depot buildings for said railway in said town; and they are hereby, also, authorized to issue bonds running five years, bearing interest not to exceed ten per cent. on an amount not exceeding twelve thousand dollars, for said purpose, and to levy and collect a tax, each year, in such a manner and to such an amount as they may deem best for the purpose of liquidating said bonds and the interest accruing thereon, paying all the interest and one-fifth of the principal each year, if desired: *Provided*, that no tax shall be levied in pursuance of this act until the same shall have been approved by a majority of the legal voters of said town, at a general election, held in pursuance of the charter and by-laws of said town.

Amount of—purpose.

Issue of bonds—interest on—annual tax.

Proviso.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force Feb'y
28, 1867.

AN ACT to repeal an act entitled "An act to enable the town of Fall Creek, in the county of Adams, to levy and collect a tax for a war fund, therein named," approved Feb. 16, 1865, and to provide for the disposition of the remainder of said war fund.

Act repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to enable the town of Fall Creek, in the county of Adams, to levy and collect a tax for a war fund, therein named," approved February 16, 1865, be and the same is hereby repealed.

Disposition of
funds.

§ 2. That all moneys collected under the provisions of said act, named in the first section hereof, remaining in the hands of the committee named in said act, or of any other person or persons, shall be, within thirty days after the passage of this act, paid over to the township treasurer of said town of Fall Creek; and it shall be the duty of said treasurer to distribute and pay the same to the directors of the several school districts of said town in the same proportion, to each district, as the public school fund is required to be distributed by law.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y
28, 1867.

AN ACT to legalize a certain tax in Boone county.

Tax of 1866 le-
galized

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the action of the board of supervisors of the county of Bond, on the fifteenth day of September, A. D. 1866, authorizing the levying of a special tax of two mills on the dollar, on all the taxable property in said county, for the purpose of liquidating indebtedness incurred in raising troops for the United States' service, prior to December 1, A. D. 1864, be and the same is hereby legalized.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to authorize the county of Madison to levy an additional tax for county purposes. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Madison county be and they are hereby authorized annually to levy, in addition to the amount now authorized by law for county purposes, the sum of twenty cents on the hundred dollars' worth of taxable property in said county, to be levied, assessed and collected as other county taxes; and the same lien created to secure county tax, and the provisions made for the collection thereof, shall also exist and apply to this tax. Authority to levy taxes, etc —how collected

§ 2. This act to be in force from and after its passage.

APPROVED February 22, 1867.

AN ACT in relation to surplus bounty tax in the town of Cicero, in Cook county. In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the surplus money arising from the bounty tax in the town of Cicero, in Cook county, in this state, be and the same is hereby appropriated to the payment of such town charges of said town, and services and expenses of the officers of said town, on account of their respective offices, as may be from time to time, audited and allowed by the board of auditors of said town, until the same shall be expended. Disposition of surplus moneys

§ 2. That the board of auditors of said town may and shall audit and allow, as town charges of said town, under this act, such sums of money as may be paid by the supervisor of said town, by authority of a majority of said board, for the relief of any needy widows or orphans of Union soldiers in said town, out of said fund. Money paid for relief of widows to be audited as town charges.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

In force Feb'y 21, 1867. AN ACT to incorporate the Father Mathew Total Abstinence Society of the city of Chicago.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Stephen Grady, John Connell, John Conway, Richard P. Collins, John V. Kane, Andrew Braphy, John Durkin, John Quigley, John Baland, Patrick McGrath, Thomas Murnon, William O'Neil, William Flannery, James O'Mara, Michael Kenny, John O'Day, Francis Kelley, Jeremiah Ryan, and all other persons who now are or may hereafter become members of the Father Mathew total abstinence and benevolent society of the city of Chicago, be and they are hereby created and constituted a body corporate and politic, by the
Name and style	name and style of "The Father Mathew Total Abstinence and Benevolent Society of the city of Chicago," and by
Powers.	that name shall have perpetual succession, and be capable to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and may have a common seal, and may alter the same at pleasure.
Officers.	§ 2. The corporate powers of the corporation hereby created are hereby vested in a board of managers, which shall consist of eighteen members, twelve of whom shall constitute a quorum for the transaction of business.
Qualifications and election.	§ 3. The said board of managers shall all be residents of the city of Chicago, and citizens of the state of Illinois; they shall be elected annually by the members of the corporation, at such times and places as the by-laws of said corporation may prescribe: <i>Provided</i> , that the persons herein named as corporators shall constitute the first board of managers, and shall hold their offices until the first Monday of March, 1857, and until their successors shall be duly elected and qualified.
Other officers.	§ 4. The other officers of said corporation shall be a president, a secretary, assistant secretary, and treasurer, and be chosen at the time of, and in the manner provided for the election of the board of managers, and shall be, <i>ex officio</i> , members of the board of managers, and hold their offices for one year and until their successors are elected and qualified.
Powers of board	§ 5. The board of managers shall have power to appoint such other and additional minor officers and agents as may be necessary to carry out the objects of the corporation; the number and duties of such minor officers and agents and the tenure of their offices to be prescribed by the by-laws.
	§ 6. The said corporation shall be capable in law to purchase, take, receive and hold lands and property, real and personal, and to take, receive and hold lands and property, real and personal, which may be given or bequeathed

to it; to be employed and disposed of according to the objects and by-laws of the corporation, and the will and intent of the donors: *Provided*, that the clear yearly income of this corporation shall not exceed ten thousand dollars, and the value of its real property shall not exceed fifty thousand dollars, nor of its personal property twenty thousand dollars.

Income.

§ 7. Persons between the ages of fourteen and forty-five years, having first taken the total abstinence pledge, may be admitted to membership in said corporation, in such manner, and on complying with such conditions as may be prescribed by the by-laws.

Qualifications of members.

§ 8. The members of said corporation shall pay such initiation fee and such monthly and other dues as the by-laws may prescribe.

Fees, etc.

§ 9. The board of managers shall hold stated meetings at least once every month, and special meetings may be called by the president at such times and in such manner, at such places as may be prescribed by the by-laws.

Meetings.

§ 10. The funds of this corporation shall be applied to the relief of its members in sickness, and to their interment after death, and to the relief of their widows and orphans and after such manner as shall be prescribed by the by-laws.

Disposition of funds.

§ 11. The board of managers shall have power to make and prescribe all necessary rules, regulations and by-laws for the government of said corporation, and the transaction of its business, not inconsistent with the laws of this state and of the United States: *Provided*, that all such by-laws, rules and regulations shall be submitted to a regular or called meeting of the members of said corporation, within one month after the adoption thereof by said board of managers; and if approved by a majority of the members of said corporation, such by-laws, rules and regulations shall continue in force; but if not approved, as aforesaid, the same shall be of no further [force] or effect; and any by-law, rule or regulation of said corporation may be amended, modified or repealed by the members of said corporation at any regular or regularly-called meeting of the members of said corporation.

By-laws, etc.

§ 12. The board of managers shall have power to prescribe, by by-laws, the powers and duties of the officers of said corporation, and to require of the treasurer or any other officer, bonds, with proper security, to be approved by said board, for the proper discharge of the duties of such treasurer or other officer.

Officers' duties.

§ 13. The funds of said corporation may be loaned upon real estate securities, for such times, to such persons, and upon such terms, as may be approved by the board of managers.

§ 14. The members of said corporation shall be liable to pay to the treasurer of said corporation, for the use of

Indebtedness.

said corporation, such sums of money, at such times as may be fixed by the by-laws, from time to time; and upon the failure of any member to pay the same at the time required by the by-laws, such member may be proceeded against by suit in any court having jurisdiction, in the name of said corporation, and the collection thereof enforced at law as in other cases, or the membership of such defaulting member in said corporation, and his interest therein, may be declared forfeited, at the discretion of said board of managers.

Expulsion
members.

of § 15. The by-laws of said corporation may provide for the expulsion of any member of said corporation, and shall prescribe the manner, and for what causes, a member may be expelled; and after such expulsion such member shall not be entitled to any interest in said corporation, or entitled to any of its benefits.

§ 16. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb'y
15, 1867.

AN ACT to provide for the issuing of bonds by the town of Kewanee to aid in the establishment of a woolen mill therein, and for the payment of the same.

Special election
—object—how
conducted.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the supervisor of the town of Kewanee, in the county of Henry, upon the petition therefor of ten free-holders of said town to call a special election, of which at least ten days' notice shall be given by posting at least five notices in public places in said town, to determine whether said town shall issue bonds for the purpose hereinafter set forth; which notices shall state the object of said election, setting forth the amount of bonds proposed to be issued, to whom and when payable, and in what property payment thereof is to be secured, and the time and place of holding such election. And the said election, when holden, shall be organized and conducted in all respects as elections under the general election laws of the state are required to be organized and conducted: *Provided*, that no registry of voters need be made for said election, and that the register of voters used at the last annual election before such special election shall be deemed and taken to be sufficient. And the ballots used at said election may be either printed or written, and shall be "for issuing bonds," or "against issuing bonds;" and if a majority of the votes cast be "against issuing bonds," then no further proceedings shall be had under said call. But if a majority of said votes

Proviso.

shall be "for issuing bonds," then the proceedings shall be as hereinafter provided.

§ 2. If the majority at said election shall vote for issuing bonds as aforesaid, it shall be the duty of the supervisor, assessor and collector of said town, in their official capacity and in the name of said town, to execute and issue bonds from time to time, not exceeding in amount the sum of twenty thousand dollars, bearing interest not exceeding ten per cent. per annum, to any individual or individuals who shall commence the erection of a woolen mill in said town, within one year after the passage of this act, and shall have already expended of his or their money on such erection and the real estate on which the same may be situated, not less than ten thousand dollars, which bonds shall be binding on said town, and be a lien upon the taxable property thereof: *Provided*, that payment of said bonds shall be secured to said town by a first mortgage containing a power of sale on said woolen mill and the machinery therein, which mortgage shall be executed according to the laws of the state of Illinois in relation to conveyances of real estate, and shall be binding like said conveyances, on said woolen mills and machinery, and shall be executed to the supervisor of the town of Kewanee, and the power thereby conferred for the sale and conveyance of said woolen mill and machinery, shall be executed by the acting supervisor of said town for the time being.

Issue of bonds
—interest.

Liens.

§ 3. That if the mortgagors aforesaid or their assigns shall fail to pay the said bond or the interest thereon, according to the tenor and effect thereof, it shall be the duty of the said supervisor, on the request of the holder of said bonds to advertise and sell said woolen mill and machinery according to the terms of said mortgage; and if the same shall not bring enough money to pay said bonds and interest aforesaid, it shall be the duty of said supervisor to make and certify to the clerk of the county court of said county, a statement of the amount of principal remaining unpaid on said bond together with the interest, including interest to the first day of July next thereafter, and requesting him to extend the same on the tax book of said town in the same manner that other taxes are extended on said book, and the said clerk, upon the receipt of such statement shall add thereto the usual fees for extending said taxes and the collection and disbursement of the same, and shall extend sufficient taxes upon the tax book of said town to pay said bonds, interest and fees; and thereupon the same shall be collected in the manner provided by law for the collection of state and county taxes, and shall be paid over to the supervisor of said town whenever collected, and shall be by him paid to the legal holder of the aforesaid bonds.

Failure to pay
bonds—sale of
mills.

Principal un
paid.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 15, 1867.

AN ACT to enable the several towns of McLean county to raise money for war purposes.

Taxes.

Collection and
disposition of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That the several towns in said county be authorized to assess a tax of not more than two per cent. upon the taxable property of the towns respectively, for the purpose of paying bounties to volunteers and other military purposes, said tax to be levied and collected only for the years 1865 and 1866.

§ 2. That said tax be assessed at the annual meetings in each town, and be collected as other taxes are, and when so collected be paid over to the supervisors of the towns respectively, and be disbursed for the purposes aforesaid by the boards of town auditors.

§ 3. That this act shall be a public act, and be in force from and after its passage.

This bill became a law, under section 21, article IV., of the constitution, by reason, as given by His Excellency, Governor Oglesby, on other side, and was filed in this office on the 21st day of January A. D., 1867.

SHARON TYNDALE, *Secretary State.*

In force Feb'y
15, 1867.

AN ACT to enable the town of Warren, in Jo Daviess county, Illinois, to issue bonds for railroad purposes.

Amount.

How issued.

Payment.

Issue of bonds
to be determin-
ed by vote.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Warren in Jo Daviess county, Illinois, be and is hereby authorized and empowered to issue bonds in the sums of one hundred dollars, five hundred dollars, and one thousand dollars each, with interest payable annually at the rate of ten per cent. to an amount not exceeding fifty thousand dollars for the purpose of aiding in building a railroad between Warren, Illinois, and Monroe, Wisconsin.

§ 2. Said bonds shall be issued in the name of the town of Warren, and signed by the supervisor of said town; and certified to by the town clerk under the seal of said town provided for that purpose, and when so issued shall be deemed and held to be valid in all courts of law within the state of Illinois or the United States of America.

§ 3. Said bonds shall be made payable at any time after five years and not exceeding twenty years from date thereof. Interest shall be paid in the city of Chicago by the supervisor of said town, on the first day of July in each and every year.

§ 4. The legal voters of the town of Warren shall, on the first Tuesday of April next, or at any annual town meeting for the election of town officers, vote for or against the

issuing of said bonds by the town for the purposes aforesaid, a majority vote to determine for or against the issuing of said bonds.

§ 5. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Girard," approved February 14, 1855. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Girard, in the county of Macoupin, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Girard," and by that name shall have perpetual succession, and may have a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require. Name and style.
Powers.

§ 2. The boundaries of the said town shall be as defined by the last ordinances of the board of trustees thereof, and the said ordinances are, in that respect, legalized and confirmed; and whenever any tract of land adjoining said town is laid off into town lots and recorded, the same shall be attached to and form a part of the same. Boundaries.

§ 3. The government of said town shall be vested in a president and four trustees—the said president and trustees to be elected, annually, by the qualified voters of said town; and no person shall be president or trustee, unless, at the time of his election, he shall have resided in said town for the space of six months, twenty-one years of age, and a citizen of the United States; and upon his removal from said town he shall vacate his office. Government.

§ 4. The board of trustees shall determine the qualifications of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceed- Qualifications of board of trustees.

ings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Oath of office,

§ 5. The president and each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and abilities; and there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

Election of officers.

§ 6. On the first Monday in the month of April, A. D. 1867, and on the first Monday in April in each year thereafter, an election shall be held in said town for one president and four trustees, who shall hold their offices for one year, and until their successors are elected and qualified; which election shall commence at ten o'clock in the forenoon, and close at four o'clock in the afternoon, of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for police magistrate, when elected, to the clerk of the county court, and lay the poll-books of such election before the board at its first meeting. If two or more persons shall receive an equal number of votes for any office, the board shall proceed to determine the same by lot. All contested elections and all subsequent elections shall be determined as may be prescribed by ordinance.

Qualifications of voters.

§ 7. All free white inhabitants of said town shall be entitled to vote for town officers, and who shall have resided in said town one month next before any such election, and who are qualified to vote for county and state officers.

Police magistrate.

§ 8. The police magistrate shall be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854; and all the provisions of said act are hereby declared applicable to the officer provided for by this act.

Taxes.

§ 9. The president and trustees shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinances not repugnant to the constitution of the United States; or the said president and trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector.

Extension and collection.

§ 10. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk, or

other officer whose duty it is, by law, to extend the tax, by existing laws, notice of their intention so to do—which notice shall be a copy of their record—and also the rate of taxation; and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced, in the same manner as other revenue. The clerk and collector shall be allowed the same compensation, for services under this act, as are allowed them for similar services under the revenue laws of the state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance.

§ 11. The said board shall have power to appoint a clerk, town constable and assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and require them to give such bonds, with such security, and take such oaths, as may be judged necessary to insure a faithful performance of their respective duties; and shall have power—

Appointment of officers.

To appropriate money, and provide for the payment of the debts and expenses of the town.

Indebtedness.

To make regulations to secure the general health of the inhabitants of the town.

General health.

To declare what shall be deemed a nuisance, and to prevent and remove the same.

To open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges.

Improvements.

To provide for the erection of all needful buildings for the use of said town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town.

To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers, and to license the sale of intoxicating drinks: *Provided, however*, that no such license shall be granted for a less sum than three hundred dollars per annum, or at that rate for a shorter time, and subject to such restrictions as the said board may deem expedient to dictate.

License

To license, tax and regulate theatricals and other exhibitions, shows and amusements.

Exhibitions, etc

To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses, and to suppress all riots, affrays, assaults, assaults and batteries, drunkenness, quarreling, open and notorious lewdness, or other public indecency.

Gambling, etc.

To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Fires.

- Weights, etc. To regulate partition fences, and to provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel to be used in said town.
- Elections. To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.
- Officers' fees. To fix the fees and compensation of all town officers, jurors, witnesses, and others, for services rendered under this act or any ordinance.
- Fines, etc. To impose fines, penalties and forfeitures for breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.
- Encumbrances. To prevent the encumbering of the streets, squares, lanes and alleys of said town.
- Trees—horses. To protect shade trees.
- Animals at large. To compel persons to fasten horses, mules and other animals, attached to vehicles, while standing upon any square, street, lane, alley or enclosed lot.
- To prevent the running at large of horses, cattle, hogs, sheep or animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred; and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto.
- To prevent the running at large of dogs, and to provide for the destruction of the same, when running at large contrary to ordinance.
- Combustibles. To prevent the firing of squibs, rockets, guns, and other combustibles or fire arms, within the limits of said town.
- And no prosecution or conviction for any offense, under the laws of this state, shall be a bar to prosecutions for fines, penalties or forfeitures for the breach of any ordinance of said town.
- Ordinances. § 12. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state or that of the United States. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Girard;*" and all ordinances shall be published within one month after they are passed, either in some newspaper or by posting copies of the same in four public places in said town; and the certificate of the publishers of such paper or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.
- Proof of. § 13. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet

form, and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places without further proof.

§ 14. The president of the board shall preside at all meetings of the board, when present, and, in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall fail or refuse to obey such call shall forfeit and pay to said corporation the sum of five dollars. President.

§ 15. The president and trustees shall have power, by ordinance, to levy, assess and collect a special tax on the holders and owners of lots upon any street, square, lane or alley, or upon any part of any street, square, lane or alley, according to their respective fronts owned by them, for the purpose of grading, planking or paving such square, street, lane or alley—to be collected as other taxes are collected by the provisions of the ninth and tenth sections of this act, or as provided by ordinance. Special taxes.

§ 16. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, lanes, alleys, avenues and highways three days in each year; and every person failing or refusing to perform such road labor, after being notified as may be provided by ordinance, shall forfeit and pay any sum, not exceeding two dollars per day, for each day so neglected and refused. Street labor.

§ 17. The president and board of trustees shall have power to provide for the punishment of the offenders against any ordinance, in the county jail or in any secure place of confinement in said town that may be provided by the said president and board of trustees, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Offenders.

§ 18. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by authority of the county court; and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and trustees as aforesaid. Exemption from road labor.

§ 19. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt, before the police magistrate, or, in case Writs for recovery.

of his absence or inability to act, before some justice of the peace of said town ; and changes of venue and appeals shall be allowed in cases commenced before the said police magistrate as in other cases before other justices of the peace : *Provided*, the said corporation shall be allowed to appeal, in any case in which they are parties, by causing their clerk to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security ; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Constable.

§ 20. The town constable shall be appointed by the president and board of trustees, and he shall have power and authority to execute all process issued for the breach of any ordinance of said town ; and for that purpose his power and authority shall extend over the county of Macoupin, and shall have the same power, jurisdiction and authority, within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the said board shall, by an ordinance, prescribe.

Suits for fines and penalties.

§ 21. All suits for fines and penalties, in and for the violation of any ordinance, shall be in the name of the town of Girard, and the said corporation shall have power to regulate, by ordinance, the form and nature of all process and the mode of executing the same.

Surveyor.

§ 22. The president and board of trustees shall have power, at any regular meeting of the board, to employ a competent surveyor, and resurvey the town of Girard, and as many additions thereto as the public interest may seem to require, and shall cause substantial corner-stones to be planted at one corner of each block in said town and additions ; but said surveyor shall not have power to alter size of lots or blocks or alter width of streets and alleys ; and said surveyor shall make a plat of his survey, and cause the same to be recorded in the circuit clerk's office ; and the president and board of trustees shall lay a tax upon the lots in said town and additions for defraying the expenses of said survey and record.

Conflicting acts repealed.

§ 23. So much of the act to which this is an amendment as in anywise conflicts with or is inconsistent with this act is hereby repealed.

§ 24. This is declared to be a public act, to take effect from and after its passage.

APPROVED February 22, 1867.

AN ACT to provide for the payment of town orders in the town of Niles. In force Feb'y 12, 1867.

WHEREAS, the people of the town of Niles, in the county of Cook, have contributed money to defray expenses for the raising of volunteers and substitutes in the late war; and, whereas, at the time when these contributions were made, the authorities of said town of Niles promised that the several amounts, so contributed, should be refunded; and, whereas, the authorities of said town have issued town orders for such claims against the town, which town orders are still in the hands of citizens of said town, and others, unpaid; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a special election shall be called in said town by the supervisors thereof; notice of such election being posted in at least five of the most prominent places of said town, ten days prior to said election, to vote for or against a bounty tax.

§ 2. That if a majority of voters, at said election, shall vote "for bounty tax," a tax shall be levied on all the taxable property of said town in the same manner as now provided by law, sufficient to pay all the town orders issued for money contributed for the purpose of raising volunteers and substitutes: *Provided*, that no more than three (3) per cent. shall be levied in any one year.

§ 3. That if the majority of voters at said election shall vote "for bounty tax," the county clerk of Cook county shall, after having been duly notified of such election, extend the tax in all the taxable property of said town of Niles, in the collector's book of said town, for the taxes of 1866, in a column headed "bounty tax," and the collector of said town shall proceed to collect the said tax in the same manner as all other taxes are collected: *Provided*, that the time to return the collector's book to the county treasurer shall be extended to the first day of April, A. D. 1867.

§ 4. The board of town auditors shall, after such tax is collected, give notice that they are prepared to pay town orders issued for moneys contributed as above stated, and shall proceed to examine all such orders and all the books in which said orders are registered, and only direct the payment of such orders as they deem correct and properly issued.

§ 5. That if the tax of three per cent. is not sufficient to pay all the orders standing out against said town, a further tax of three per cent. or less shall be levied every year until all such orders are paid.

§ 6. This act to take effect from and after its passage.

APPROVED February 12, 1867.

In force May 7, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Marseilles."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said act be and the same is hereby so amended as to confer upon said trustees of said town the right to determine whether or not they will grant licenses for the sale of intoxicating liquors.

Act amended. § 2. The said trustees shall have power to make all necessary by-laws for the construction, laying out and extending and widening of all streets, in addition to the powers over streets and sidewalks already possessed.

By-laws for improving streets. § 3. The said trustees shall also have power to borrow any sum of money not exceeding the sum of two thousand dollars for the purpose of improving the streets or sidewalks of said town; and for such purposes may issue bonds of said town in sums of one hundred or five hundred dollars each, payable any time within ten years, at an interest not exceeding ten per cent.

Borrow money. § 4. If any person shall hereafter proceed to lay out and perfect any addition to said town, then and in such case such addition or additions shall be considered as part of such town, and be subject to all its rules and regulations made by virtue of this charter, and shall have the same powers over the streets and alleys of said town, as are or may hereafter be conferred upon the city of Ottawa by legislative enactment.

ApproVED March 7, 1867.

In force March 7, 1867.

AN ACT to incorporate the town of Dement.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Dement, in the county of Ogle, and state of Illinois, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Dement," and by that name shall have perpetual succession, and may have and use a common seal, which they may change or alter at pleasure.

Name and style. Powers. § 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal,

within or beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, both real and personal, for the use of said town; and to protect and improve such property as the public good may require.

§ 3. The boundary of said corporation shall include the original town plat of the town of Dement, as recorded in the recorder's office of the county of Ogle; and such additions as with the original town plat shall embrace all the territory within the limits of the northeast quarter of section twenty-three, the east half of the northwest quarter of section twenty-three, the northeast quarter of the southwest quarter of section twenty-three, the north half of the southeast quarter of section twenty-three, the west half of the northwest quarter of section twenty-four, and the northwest quarter of the southwest quarter of section twenty-four, all lying in township forty, range two east of the third principal meridian, and in the county of Ogle; and whenever any tract of land, adjoining said town, or within one mile of the same, is laid off into town lots and recorded, the same may be attached to and form part of the same, by an ordinance of the president and trustees to that effect.

Boundaries.

Additions.

§ 4. On the second Monday in March, annually, an election shall be held for five trustees, who shall hold their offices for one year and until their successors are elected and qualified. The board of trustees, whose term of office is about to expire, shall always give notice of such elections, by having written or printed notices thereof posted up in four public places in said town, at least one week previous to said election; and one of the members of said board, together with the clerk of the corporation, shall hold the said election and give certificates of election to five persons receiving the greatest number of votes; and whenever there shall be a tie in such election, they shall certify the same to said board, who shall determine the same by lot, in such manner as shall be provided by ordinance: *Provided*, that the first election for trustees of said town may be held at any time within three months after the passage of this act; and any five legal voters can post notices to call said first election for trustees, and the electors shall be empowered to select one clerk and two judges of said election, who shall give certificates of election the same as provided for in this section for future elections.

Election of officers.

Tie vote.

Proviso.

§ 5. Every trustee of said town shall, at the time of his election, be at least twenty-one years of age, a citizen of the United States, and shall have resided at least one year within the limits of the corporation. Any *bona fide* resident of said town possessing the requisite qualifications to vote for state officers shall be entitled to vote for trustees.

Qualified trustees.

§ 6. The trustees, before entering upon the duties of their office, shall severally take and subscribe an oath that

Oath of office.

they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities.

Quorum.

§ 7. A majority of said trustees shall constitute a quorum to do business. The said trustees shall elect one of their own body to be president of the board, who shall hold his office for one year or until his successor shall be elected and qualified. The president of the board shall be the chief executive officer of the corporation, and shall be vested with such powers and authority as may be conferred on him by ordinance.

Vacation of office.

§ 8. If any trustee shall, during the time for which he shall have been elected, remove from the said town his office shall be vacated. The board of trustees shall have power to fill vacancies in their own body occasioned by the death, resignation or removal from town of any member.

Vacancies.

Taxes, etc.

§ 9. The board of trustees shall have power and authority to assess and collect taxes, uniform in respect to persons and property, for corporate purposes, upon all personal and real estate within said town, to not exceed one-half per cent. per annum upon the assessed value thereof, as ascertained and returned by the assessor of the corporation, and may enforce the payment of the same by filing with the clerk of

Statement of amount of.

of the county court a statement of the amount of such taxes, and the said clerk shall include the same on the next general tax warrant issued by him for the collection of state and county taxes, and like proceedings shall be had for the collection of the same, as now provided by law for the collection of state and county taxes. Said trustees shall have power to make and keep in repair pavements or sidewalks in said town; and if at any time it is thought necessary to

Special taxes.

raise a tax of more than one half per cent. per annum for any special purpose or purposes, otherwise than for building and keeping in repair sidewalks, the trustees may call for a vote of the electors of said town, and if a majority of the legal voters at such election shall so decide, the trustees can levy and collect a tax in the same manner as is already in this section provided; the amount of which tax, together

Amount and purpose specified. Proviso.

with the purpose or purposes for which it shall be used, shall have been specified in the call for and in a majority of the votes cast at such election: *Provided*, that lots of five or more acres, without buildings and used only for agricultural purposes, shall be exempt from taxation for building and keeping in repair sidewalks, and from taxation for special purposes, voted for by the electors, but not from taxation for other corporate purposes.

Street labor.

§ 10. The said board shall have power to require every male resident of said town, over the age of twenty-one years and under the age of fifty years, to labor, under the direction of the street commissioners, on the streets, lanes and avenues and alleys of said town, and upon the public

roads passing from and through said town within the limits of said corporation, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor shall forfeit and pay the sum of one dollar and fifty cents for each day in which he has neglected or refused to work. The inhabitants of the town of Dement are hereby exempted from working on any road beyond the limits of the town, and from paying any poll tax, or money for poll tax to procure laborers to work on the same.

§ 11. The said board shall likewise have power to license, tax and regulate auctioneers, groceries, ordinaries, and all places where spirituous or fermented liquors are sold, and the venders of the same, hawkers, peddlers, brokers, pawn-brokers and money changers; also, to license, tax and regulate theatrical and other public exhibitions, shows and amusements. License.

§ 12. They shall have power to erect a town hall and other buildings for the use of said town, to provide pumps, wells and cisterns in the streets and upon the public grounds for the convenience of the inhabitants or for use in case of fires; to open, establish, grade, pave or otherwise improve and keep in repair and free from encumbrances or obstructions, the streets, avenues, lanes and alleys of said town; to make, erect and keep in repair bridges, drains and sewers; to provide for lighting the streets and erecting lamp posts; to erect market houses, establish markets, and provide for the government and regulation of the same, and to provide for the weighing of hay and stone coal, and other fuel to be sold or used within the said town. Town hall.
Improve streets.

§ 13. They shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the fixing of chimneys and the flues thereof, and the manner of using stoves and stove pipes in dwelling houses, stores, offices, warehouses and other buildings in said town; to regulate and order parapet walls and partition fences, and to regulate the storage of gunpowder and other combustible materials. Fires, etc.

§ 14. They shall also have power to provide for inclosing, improving and regulating all public grounds within the said town, and the burial and other public grounds of the corporation beyond the said town, and for the punishment of injuries or damage done to trees, fences, buildings, monuments or other improvements therein. Public grounds.

§ 15. They shall further have power to make regulations to prevent the introduction of contagious diseases into the said town, to make quarantine laws for that purpose, and enforce the same within three miles of the said town; also, to establish a hospital or hospitals in said town, or within three miles of the same, for the treatment of any epidemic or contagious diseases, and to make regulations for the gov-

ernment of the same; also, to make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance within the limits, and to prevent and remove the same.

Riding and driving.

§ 16. They shall also have power to regulate the speed with which horses or other animals may be rode or driven within the limits of the corporation, and to restrain and punish cruelty in the usage or treatment of animals within those limits; also, to restrain cattle, horses, mules, sheep, swine and dogs from running at large in said town, and to provide for the security of wagons and other carriages which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses or other animals fastened to such carriages, running with or breaking from the same.

Animals at large

Riots, affrays, obscenities, etc

§ 17. They shall likewise have power to prevent and punish riots, routs, affrays, assaults, assaults and batteries, breaches of the peace, disturbances of worshiping assemblies or of the deliberations or proceedings of public meetings, disorderly interruptions of any public lecturers or licensed exhibitions, all indecent or obscene exhibitions or practices, and other disorderly conduct within the limits of the corporation: *Provided*, that no person shall be deprived of the right of trial by jury in any case where such person would be entitled to such trial for like offenses against the laws of the state.

Proviso.

Battles, cock-fighting, etc.

§ 18. They shall also have power to prevent and punish battles by agreement, fighting matches, horse racing and cock fighting within the limits of the corporation and within two miles of the same.

Billiards—disorderly houses.

§ 19. They shall also have power to restrain, prohibit and suppress billiard tables, ball alleys, tippling houses, dram shops, gaming houses, bawdy and other disorderly houses in said town and within two miles of the limits of the corporation.

Police, ordinances, fines, etc.

§ 20. They shall also have power to regulate the police of said town, to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. The style of the ordinances of said board shall be, "Be it ordained by the President and Trustees of the Town of Dement."

Subordinate officers.

§ 21. They shall further be vested with full power to create such subordinate offices, and appoint and remove, at pleasure, the officers, as they shall determine to be necessary to the accomplishment of the objects and ends of the

Compensation.

act of incorporation, and to provide for the fees and com-

compensation, and to regulate their duties; and when any vacancy shall happen by the death, removal or resignation of any of the officers so created and appointed as aforesaid, it may be filled by appointment of the said board.

Vacancy.

§ 22. The town constable shall be authorized to execute, anywhere within the limits of Ogle county, all writs, process and precepts which may be issued against persons or property by any court of general or limited jurisdiction, by virtue of any of the powers specified in this act, and to arrest on view all persons who may violate any ordinance of the said corporation.

Constable.

§ 23. Fines, forfeitures and penalties which may be assessed or recovered for the use of said corporation, may be levied, in the first instance, by virtue of executions, to be issued forthwith, of the goods and chattels of the offender within the county. And the said board shall have power, also, to provide for the punishment of offenders by imprisonment in the county jail in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recovered against them.

Recovery of fines, etc.

§ 24. The said board shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Annual statements.

§ 25. All ordinances passed by the said board shall be published in some newspaper printed in said town, or by posting up four written copies thereof in four public places within the limits of said corporation, and shall not be in force until they have been published as aforesaid. Any of said ordinances shall be sufficiently proved in any court by the production of the book containing said ordinances; or a copy of the same, certified by the clerk of the corporation; or a printed copy of the same, taken from the newspaper or pamphlet in which it has been published: *Provided*, the same purports to have been published by authority of the corporation.

Publication of ordinances.

§ 26. In cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and appeals may be taken and writs of *certiorari* allowed from any such decisions, and change of venue taken from one justice to another within the said corporation, in the same manner as now is or may hereafter be provided by law for appealing from judgments of justices of the peace and for change of venue.

Justice's jurisdiction.

Appeals.

Change of venue

§ 27. It shall not be in the power of said board of trustees to open or extend any new streets and alleys of said town through private property, unless with the consent of the owners thereof.

Extension of new streets.

Conflicting acts
repealed.

§ 28. All acts or parts of acts coming within the provisions of this act, contrary to or inconsistent with its provisions, are hereby repealed.

§ 29. This act is hereby declared to be a public act, to be received and used in all courts without proving or pleading the same, and shall take effect from and after its passage.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the town of Saybrook.

Name and style.

Powers.

Boundaries.

Councilmen—
election and
duties of.

Powers of.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Saybrook, in the county of McLean, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Council of the Town of Saybrook," and by that name shall have perpetual succession, and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property for the use of said town; to protect and improve any such property as the public good may require.

§ 2. All that district of country inclosed within the following boundaries, to-wit: the south half of section twenty-one, (21,) and the north-east quarter and the north-east quarter of the north-west quarter, and the north half of the north-west quarter of the north-west quarter of section twenty-eight, (28,) town twenty-three (23) north, range six east of the third principal meridian.

§ 3. The government of said town shall be vested in a president; four (4) councilmen shall be elected annually by the qualified voters of said town; and no person shall be councilman, unless, at the time of his election, he shall have resided in said town for the space of six months, be twenty-one years of age, be a freeholder within the corporation, and a citizen of the United States; and upon his removal from said town he shall vacate his office.

§ 4. The board of councilmen shall determine the qualifications of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under

such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

§ 5. The president and each of the councilmen shall, before entering upon their duties, take an oath to perform the duties of his office to the best of his knowledge and abilities; and there shall be at least one regular meeting of said council in each month, at such times and places as may be prescribed by ordinance. Oath of office.

§ 6. The boundaries of said town, as herein defined, shall constitute a district for the election of the president and one town constable, who shall be elected by the qualified voters of said town, and at the same time and place at which the councilmen are elected; and the said president shall preside over the board of councilmen, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a councilman by the third section of this act. The president and constable shall be elected for the term of two years, and if they remove from said town their offices shall be vacated. Election district

§ 7. If two or more persons shall receive an equal number of votes for the office of president or constable, the board shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance. Duties of president of council

§ 8. On the first Monday in the month of May, A. D. 1867, and on the first Monday of May in each year thereafter, an election shall be held in said town for one president and one town constable, for the term of two years, and four councilmen, as aforesaid, who shall hold their offices for one year, and until their successors are elected and qualified; which first election shall commence at ten (10) o'clock in the forenoon, and close at four (4) o'clock in the afternoon, of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass votes, declare the result, furnish to each person elected a certificate of his election, certify the votes for president to the county clerk of McLean county, and lay the poll-books of such election before the board at its first meeting. All subsequent elections shall be held and conducted, and returns made, as may be prescribed by ordinance. Tie vote.

§ 9. All male inhabitants of said town shall be entitled to vote for town officers, who are qualified to vote for state officers, and who shall have resided in said town six months next before any such election. Elections.

§ 10. The president and council shall have power and authority to levy and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, Qualifications of voters.

Levying taxes.

not exceeding one-half per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States, or of this state; or the said council may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property of said town by the county or town assessor, and cause the same to be collected by the township collector.

On the adoption
of the assess-
ment.

§ 11. If the president and council of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is, by law, to extend the tax by existing laws, notice of their intention so to do—which notice shall be a copy of their records—and also the rate of taxation; and upon the receipt of such notice, the said tax shall be extended and collected, and its collection enforced, in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of the state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing, by ordinance, for the assessment and collection of such taxes, and all other tax, charges or assessment authorized by this act.

Compensation.

Proviso.

Appointment of
officers.

§ 12. The said board shall have power to appoint an attorney, clerk, town treasurer, and assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds with such securities and take such oaths as may be judged necessary to insure the faithful performance of their duties, and shall

Appropriation.

have power to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same; to open, abolish, alter, widen,

Nuisances.

Improvement.

extend, establish grade, or otherwise improve, and keep in repair streets, alleys and lanes in said town, and erect and maintain and keep in repair bridges; to build and maintain within said corporation a jail or place of imprisonment, and to confine therein all such persons as are by the provisions of this act liable to imprisonment for offenses against the ordinances of said town; to regulate, by ordinance, to

Penalties.

Liquors.

license or prohibit the importation, manufacture or sale within said corporation, and of storing and keeping for sale, any in stores, shops, or other buildings or places of doing business, within the same, vinous, spirituous, malt, or mixed liquors, including ale and beer, in any quality: *Provided*, that said president and council may grant permits for the sale of spirituous, vinous, malt, or mixed liquors, including ale, for

Licenses.

medical, mechanical or sacramental purposes, under such regulations and rules as they may prescribe by ordinance; to provide for the erection of all needful buildings for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds, belonging to the town; to have power to fill any vacancy in the board of councilmen, occasioned by death, resignation, continued absence from town for three months, or otherwise; to fill any vacancy in the office of president, occasioned by death, resignation, removal from office, or continued absence from town for three months, or otherwise; said office shall be filled by an election, to be ordered by the board of councilmen; to regulate and prohibit any indecent exposure of person; to prohibit the abuse of animals; to prevent, suppress and prohibit any riot, affray, disturbance of the peace, or any disorderly conduct in public buildings, churches, or other buildings, and places, disorderly assemblages, assaults, assaults and batteries; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys, and all other gambling establishments; and all lotteries, and sale of lottery tickets within the limits of the corporation; to prevent and to suppress the trafficking and selling and giving away intoxicating liquors, whether spirituous, malt, fermented or otherwise, within one mile from the boundary of the corporate limits; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, butchers, meat shops, peddlers, brokers and money changers, teamsters, and all other trades and callings, exercised within the limits of the incorporation; to forbid and punish the selling or giving away any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress; to license, tax, and regulate theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gambling houses, bawdy houses, and other disorderly houses; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate partition fences, and provide for the inspection and weighing of stone coal and hay, and for the measurement of wood and fuel to be used in said town; to regulate the election of town officers, define their duties, and provide for the removal of any person holding office under the ordinances; to provide for the taking of the enumeration of the inhabitants of said town; to fix the fees and compensation of all town officers, jurors, witnesses, and others, for services rendered under this act or any ordinance; to impose fines, penalties and forfeitures for the breach of any ordinance; and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; to prevent the en-

Buildings.

Vacancy.

Miscellaneous provisions—
licenses, etc.

Exhibitions, disorderly houses, fines, weights, measures, etc.

Elections—
—compensation of jurors—
penalties, etc.

- Animals at large cumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles while standing upon the square, street, lane, alley or uninclosed lots; to prevent the running at large of horses, cattle, hogs, sheep and animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance; to prevent the firing of squibs, fire crackers, rockets, guns, or other combustibles or fire arms, within the limits of said town.
- Fire-arms.
- New ordinances § 13. The president and board of councilmen shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of the state and of the United States. The style of the ordinances of the town shall be "Be it ordained by the president and council of the town of Saybrook;" and all ordinances shall, within one month after they are passed, be published in a newspaper published in said town, or by posting copies of the same in three public places in said town, and the certificate of the publisher of such newspaper or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.
- Proof of ordinances. § 14. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.
- Meetings of board. § 15. The president of the board shall preside at all meetings of the board, when present, and, in case of his absence at any meeting of the board, may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have the power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot to call out the militia to aid in suppressing the same, and in carrying into effect any law or ordinance.
- Police magistrate. § 16. At the first regular election for trustees, in said town, there shall be elected one police magistrate, who shall be commissioned by the governor, and hold his office four years and until his successor shall be elected and qualified. Said police magistrate shall have and exercise all the powers, within said town, of a justice of the peace, and shall

have jurisdiction over all cases brought for the violation of any ordinance of said town ; and all suits for the violation of said ordinances shall be brought before and may be tried by either said police magistrate or any justice of the peace in said town, and appeals or writs of *certiorari* may be prosecuted from judgment in any such cases, for a breach of said ordinances, in the same manner as appeals and writs of *certiorari* are now prosecuted from judgments before justices of the peace in other cases. Appeals.

§ 17. The president and council, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town, over the age of twenty-one years, to labor on such streets, lanes, alleys, avenues and highways three days in each year, and every person failing or refusing to perform such road labor, after being notified as may be provided by ordinance, shall forfeit and pay one dollar and fifty cents (\$1 50) per day for each day so neglected and refused. Street repairs.

§ 18. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same before opening or altering such street or alley ; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of the town. Private property.

§ 19. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering the same, but no compensation shall be allowed to such owners for their property taken. Petition.

§ 20. The president and council shall have power to provide for the punishment of offenders against the ordinances, in the county jail, in all cases where such offenders shall fail or refuse to pay the fine or forfeiture which may be recovered against them. Refusal to pay fines.

§ 21. The inhabitants of said town shall be exempt from the performance of road labor and payment of road tax levied by authority of the commissioner of highways, and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and council aforesaid. Exemption from road labor.

§ 22. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action for debt, before the president of the board, or in case of the absence or inability to act, before some other justice of the peace of said town ; and changes of venue and appeals shall be allowed, in cases commenced before the said president of the board of councilmen, as in any other cases before other justices of the peace : *Provided*, the said corporation shall be allowed to appeal, in any case in Recovery of penalties, appeals etc. Proviso.

which they are parties, by causing their clerk to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation, directing such appeal, shall be sufficient evidence of the authority of said town clerk to sign said bonds.

Processes.

§ 23. The town constable elected under the provisions of this act shall have power and authority to execute all process issued for breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of McLean, and shall have the same power, jurisdiction and authority, within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

Suits.

§ 24. All suits for fines and penalties, in and for the violation of any ordinance, shall be in the name of the town of Saybrook; and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process, and the mode of executing the same.

Prior ordinances

§ 25. All ordinances and resolutions passed by the present town authorities shall remain in force until the same shall have been repealed by the corporation hereby created: *Provided*, no contract or agreement shall be affected thereby.

Prior fines—accumulation of.

§ 26. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town shall be vested in and prosecuted by the corporation hereby created, and all property, real and personal, heretofore belonging to said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Publication of this act, meeting for its adoption.

§ 27. It shall be the duty of the town trustees of said town, immediately after the passage of this act, to cause the same to be published two weeks in succession, in a paper printed in McLean county, and thereafter give notice for a public meeting of the legal voters of said town, whose qualifications shall be as prescribed by this act, to be held at the school house, in Saybrook, on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same: *Provided*, that at any subsequent meeting, like notice being given, aforesaid, the same may be adopted and take effect immediately thereafter.

Proviso.

§ 28. This act shall be deemed and taken to be a public act, and shall be so considered in all courts and places, and may be read in evidence without further proof.

Evidence of publication.

§ 29. A certificate of the clerk of the board of council of said town, under the seal of the corporation, of the publication of any ordinance of the same, shall be deemed and regarded, in all courts, as evidence of the publication of

such ordinance according to the requirements of this act, without further proof.

§ 30. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the town of Otterville.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Otterville, in the county of Jersey, are hereby made a body corporate and politic, in law and in fact, by the name of "The President and Trustees of the Town of Otterville," and by such name and style shall be forever able and capable, in law and equity, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and to be defended, in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies corporate or politic, can or may do; and, by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, which they may alter or revoke as they please.

Name.

Powers.

§ 2. That the corporate powers of said town shall be vested in and exercised by a president and two trustees, to be chosen and appointed as hereafter declared, who shall form a board for the transaction of business.

President and
trustees.

§ 3. That Henry E. Dougherty is hereby appointed president, and William McDow and Joseph G. White trustees, of said town, under this act, and shall hold thir offices until the first Monday in April, one thousand eight hundred and sixty-eight, and until their successors are elected and duly qualified; which election shall be held on the first Monday in April in each year thereafter. The members composing said board of trustees shall be at least twenty-one years of age, and inhabitants of said incorporated limits, and *bona fide* freeholders of said town; and they shall have power to fill all vacancies in their board which may be occasioned by death, resignation or otherwise.

Names of.

Term of office—
successors—
vacancies.

§ 4. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said town six months next preceding any town election, shall be entitled to vote for town officers.

Qualified voters

§ 5. The boundaries of said town shall include in their limits all of that district of country known as section four-

Boundaries.

teen, (14,) in township seven (7) north of range twelve (12) west of the third principal meridian, Jersey county, Illinois.

Justices of the peace.

§ 6. Any justice of the peace of said county shall have jurisdiction of all causes and prosecutions arising under said ordinances, when the amount in controversy shall not exceed one hundred dollars, and shall be entitled to the same fees as are allowed to justices of the peace for similar services under the laws of this state.

Inhabitants to aid in enforcing laws—militia.

§ 7. The president of the board is hereby authorized to call on every male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riot, to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the said town a fine not exceeding five dollars.

Duties and powers of trustees.

§ 8. The said board shall have power to appoint such officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such security, and take such oaths, as may be judged necessary to insure a faithful performance of their respective duties; and shall have power—

To appropriate money, and provide for the payment of the debts and expenses of the town.

To make regulations to secure the general health of the inhabitants of the town.

To declare what shall be deemed a nuisance, and to prevent and remove the same.

To open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation can not be agreed on, the president of the board shall cause the same to be assessed by a jury of six disinterested freeholders. All jurors impaneled to inquire into the amount of benefit or damage which shall happen to owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the president their inquest in writing, signed by each juror. In assessing the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

§ 9. The president and trustees shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinances not repugnant to the constitution of the United States; or the said board may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor.

Taxes.

§ 10. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Otterville;*" and all ordinances shall, within one month after they are passed, be published by posting copies of the same in two public places in said town; and the certificate of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid. All ordinances may be proven by the seal of the town, and, when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places, without further proof.

Ordinances—
publication of.

§ 11. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by authority of the county court, and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and trustees aforesaid; and they shall have power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay the sum of two dollars to said town for each and every day so neglected or refused.

Exemption from
road labor, etc.

Street labor.

§ 12. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt before some justice of the peace, and changes of venue and appeals shall be allowed in all cases.

Recovery of pe-
nalties.

§ 13. The president and trustees shall have power, by ordinance, to provide for the erection of all needful buildings for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers, but not to license the manufacture or sale of in-

Needful build-
ings, grounds,
etc.Auctioneers,
merchants, li-
quor licenses,
disorderly hou-
ses, police, fines
penalties, etc.

	toxicating liquors, or medicines that will intoxicate; to restrain, prohibit and suppress distilleries, breweries, tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses, in said town and within one and one-half miles of the incorporation; to regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance; for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties, not exceeding one hundred dollars:
Proviso.	<i>Provided</i> , that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance; to prohibit and suppress billiard tables, lotteries, ball alleys, and to make and enforce all ordinances necessary for carrying into effect all the powers specified in this act, so that such ordinances are not inconsistent with the constitution of the United States or of this state; to provide for the punishment of offenders against the ordinances of said town by imprisonment in the county jail not exceeding thirty days for one offense, in all cases where such offender shall fail or refuse to pay the fines and forfeitures which may be recovered, and in extreme cases, such as keeping tippling houses, dram shops, etc., both fine and imprisonment may be imposed; to restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same; and to prohibit any indecent exhibition of horses and other animals; and to prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.
Billiards.	
Offenders.	
Animals at large	
Failure to hold elections.	§ 14. Any failure to hold elections under this act at the specified times shall not work a forfeiture thereof, but the said elections may be held at any day thereafter, by giving ten days' notice of the same.
Evidence of act.	§ 15. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity in this state without proof. This act to take effect and be in force from and after its passage.
	APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the town of Sigel.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants in the town of Sigel, in Shelby county, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of*

Name and style

town of Sigel," and by that name and style shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, in all cases and courts of law and equity; may purchase, take and hold, sell, grant and convey real and personal property, for the benefit of said town, adopt a common seal, and change the same at pleasure. Powers.

§ 2. The boundaries and limits of said town shall include the northeast quarter of section fourteen, township nine north, of range six east, of the third principal meridian, and all such other tracts adjoining the same, as may hereafter be laid out into town lots and duly recorded. Boundaries.

§ 3. The corporate powers of said town shall be vested in a president and four trustees, who shall form a board for the transaction of town business, and a majority of whom shall form a quorum to do business.

§ 4. The legal voters of said town shall, on the first Monday of June, 1867, and annually thereafter on the same day, elect, by ballot, five trustees to serve for one year, and until their successors are elected and qualified; and said trustees shall, on their first meeting after such election, elect, by ballot, one of their number president of said board. Election of trustees. President.

§ 5. To entitle a person to hold the office of trustee of said town, he must be at least twenty-one years of age, a citizen of the United States, and possess a freehold estate in the said town. All persons legally qualified to vote for governor and state representatives, shall be entitled to vote at all elections and meetings held in said town, after having resided therein sixty days. Qualified trustees.

§ 6. The trustees shall meet on the first Thursday after said election, at such place as they may elect in the limits of said corporation, and provide by ordinance for monthly stated meetings of the board thereafter, at such time and place as they may determine, and shall be judges of the qualification and election of their own members; shall have power to fill all vacancies by appointment. The first election shall be held by three judges and two clerks, to be appointed by the voters and sworn by some officer of the state authorized to administer oaths, faithfully and impartially to perform the duties of judges and clerks of such election. Ten days previous notice of said first election shall be given by at least one or more of the electors in said town posting up written or printed notices thereof, in at least three public places in said town ten days before said election, stating the object and time and place of holding said election; and at all subsequent elections the board of trustees shall give such notice: *Provided*, that in case of failure to hold said first election on the day aforesaid, said first election may be held on any subsequent first Monday of a subsequent month: *Provided*, that due notice thereof shall be given as herein provided: *And, provided, also*, that the officers so elected shall hold their office until the next first Monday in June, Meetings. Vacancies. First election. Proviso.

and until their successors shall have been elected and qualified.

Police
trate. magis-

§ 7. At said first election, and every four years thereafter, there shall also be elected a police magistrate for said town, to hold his office for four years, and until his successor is elected and qualified. The police magistrate shall be commissioned by the governor, take the same oaths, give like bond, and have the same jurisdiction as justices of the peace, and in addition, shall have exclusive original jurisdiction of all cases arising under the ordinances of said town, with full power to hear and determine the same, and to enforce his orders and judgments by execution and other process, the same as other judicial officers of the state; shall receive the same fees as justices of the peace for like services. Vacancies in the office of police magistrate shall be filled by special election.

Taxes.

Miscellaneous
provisions.

§ 8. The president and trustees shall have power to levy and collect taxes on real and personal property in the limits of said town, not exceeding one per cent. on the assessed value thereof; to prevent and abate nuisances; to restrain horses, cattle, swine, sheep, dogs and other animals from running at large in said town; to make regulations to secure the general health of the inhabitants; to establish quarantine regulations; to establish night watches; to erect lamp-posts and lamps in the streets, and light the same; to build and repair bridges; to license and tax merchants, grocers, saloons, auctioneers, hotel keepers, and peddlers, theatrical and other shows, billiard tables and all other amusements; to restrain and prohibit gaming houses, bawdy houses, and all kinds of disorderly houses; to prohibit the shooting of fire arms in the limits of the corporation; to establish and erect markets; to open and keep in repair streets, alleys, avenues, lanes, drains and sewers, and keep the same free from obstruction; to establish and regulate a fire department, and provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets; to regulate the storage of combustibles; to make all necessary police regulations for the town; to regulate the election of town officers and fix their compensation; to pass all such ordinances as may be required to carry into effect the provisions of this act, and the powers herein granted for the good of said town; to impose fines and forfeitures for the breach of ordinances, and provide for the collection thereof, and appropriate the same, and to provide for the collection of taxes.

Appointment of
officers.

§ 9. The board of trustees shall have power to appoint a town constable, street commissioner, clerk, treasurer and such other officers as may be required to carry into effect the powers herein granted, and to define and regulate their respective duties.

§ 10. All officers elected or appointed by virtue of this act shall, before entering upon the duties of office, take an oath, before some officer authorized to administer oaths, to support the constitution of the United States, and of this state, and faithfully and impartially to discharge the duties of office. Oath of office.

§ 11. The police magistrate shall allow parties the right of trial, by jury, in all cases wherein the laws of the state guarantee that right, and appeals and writs of *certiorari* may be prosecuted in all cases from decisions and judgments of the police magistrate, the same as from decisions and judgments of justices of the peace. Rights of trial by jury.
Appeals.

§ 12. The board of trustees may, in case a change should be made in the name of the railroad station or of the post office in said town, change the name of said town. Change of name

§ 13. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the town of Jefferson, in the county of Cook and state of Illinois. In force May 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the inhabitants and residents of the town of Jefferson, in the county of Cook, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Jefferson," and by that name shall have perpetual succession, and may have and use a common seal, or not, as they may choose, which they may change and alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts of law and equity, in all actions whatever, and purchase, receive and hold property, real and personal, within the limits of said town, for public grounds or town purposes, for the use of the inhabitants of said town; and may sell, and lease or dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto, as natural persons. Name and style
Powers.

§ 2. The boundaries of said town shall include within their limits all that district of country now known as the town of Jefferson, in the county of Cook and state of Illinois. Boundaries.

§ 3. The government of said town shall be vested in five trustees, and the supervisor, assessor and three commissioners of highways of said town of Jefferson, and their Board of trustees.

respective successors in office are hereby constituted and declared a board of trustees.

Qualifications of § 4. The board of trustees shall determine the qualifications of its members, and have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with a concurrence of four-fifths, said board of trustees can expel a member for disorderly conduct. A majority of said board shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties as may be prescribed by evidence [ordinance].

Quorum.

Oath of office. § 5. Each of the said board of trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. There shall be at least one regular meeting of said board of trustees in each quarter of a year, at such time and place as may be prescribed by ordinance, with power to adjourn from time to time as may be deemed necessary. The supervisor shall preside at all meetings, and in case of his absence or inability to act at any meeting of the board, one of their number may be chosen chairman, who shall preside at that meeting. The supervisor, or any two members of said board of trustees, may call special meetings when deemed necessary.

**Adjournment —
presiding officer.**

§ 6. The said board of trustees shall have power from time to time,

Street improvements. *First.*—To cause any street, alley or highway to be opened, altered or widened, extended, laid out, graded, paved, macadamized, planked, clayed and graveled, or otherwise improved, and to keep the same in repair.

Sidewalks, etc. *Second.*—To cause side-walks, cross-walks, main drains and sewers, private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and to regulate the same.

Animals at large *Third.*—To regulate the running at large of cattle, horses, sheep, swine, goats and other animals, and prohibit any indecent exhibition of horses and other animals; to establish and maintain a public pound, and appoint a pound master and prescribe his duties, fees and compensation for his services.

Dogs. *Fourth.*—To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance; to prevent public dog-fights, bull-fights, prize fights, or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town.

Liquor traffic. *Fifth.*—To license, tax and regulate the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider or other intoxicating liquors, within the limits of said town; and any person who shall take out

a license from said trustees, as prescribed by ordinance, shall not be required to take a license from the county clerk ; and the money received for such license shall be paid over to the commissioners of highways, and laid out by them on the public roads and streets in said town.

Sixth.—To provide for inclosing, improving and regulating all public grounds belonging to said town or that may hereafter be acquired by said town ; to provide for the inspection and weighing of hay, and the measuring of firewood and other fuel to be used in said town. Public grounds.

Seventh.—To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, when the board of trustees shall deem it necessary, and to cause to keep open and repair ditches, drains, sewers and culverts on the sides of their railroad tracks, so that filthy, stagnant pools of water can not stand on their grounds or right of ways to the injury of said town and to the health of the inhabitants thereof, and to regulate the speed of locomotive engines in said town or any part thereof. Railroad crossings, etc.

Eighth.—To compel the owners or occupants of any soap factory, tallow chandler shop, tannery, grocery, privy, cellar, stable, barn, sewer or other unwholesome, nauseous house or place, to cleanse or remove or abate the same as often as may be necessary for the health, comfort and convenience of the inhabitants of said town ; to direct and regulate the location, construction and management of breweries, tanneries, packing houses, distilleries and slaughtering houses, so that the same shall not be injurious to said town or injurious to the inhabitants thereof, and to license and restrain steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on ; to regulate, restrain, prohibit and punish, by fine or imprisonment, shooting in said town. Nauseous and offensive establishments.

Ninth.—To make regulations to secure the general health of the inhabitants of said town ; to prevent the introduction of contagious diseases into the town ; to prevent depositing any dead bodies, night soil, corrupt or filthy substance or thing in said town ; to abate and remove nuisances, and punish the authors thereof by fines, penalties and imprisonments, and to make all necessary laws or rules for that purpose, and to enforce the same ; but nothing in this act shall be so construed as to oust any court of jurisdiction by indictment or otherwise. General health.

Tenth.—To restrain, prohibit and punish, by fine or imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways, streets or alleys in said town. Nuisances.

Trees, etc.

Constable.

Eleventh.—To appoint town constables to fill any vacancy caused by death or resignation of any constable, and to appoint as many policemen as they shall deem necessary, who shall be qualified by taking the oath of office in the same manner that constables are, and who shall have the same power and authority to serve process, writs, and make arrests, and to do any and all things or acts within the power or authority of constables, and to provide reasonable compensation for services and expenses of such policemen and constables.

Justice of the peace.

§ 7. Any justice of the peace of said town, or any court of record of Cook county, shall have jurisdiction of any offenses under the orders, ordinances or regulations of said board of trustees.

Recovery of penalties, etc.

§ 8. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances or resolutions, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or the by-laws, or ordinances, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Violation of ordinances.

§ 9. In all prosecutions for the violation of any ordinances, by-law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Any fine imposed for violation of any order, ordinances or regulations shall be paid to said board, and shall by them be used to defray such expenses as may be incurred in the exercise of their powers.

Assessments for improvements.

§ 10. The expenses of any improvement mentioned in the foregoing sections shall be assessed upon the real estate in said town of Jefferson benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto.

§ 11. The amount to be assessed for any such improvement or purpose shall be determined by the said board of trustees, and they shall, by ballot, appoint, by a majority of said board, two respectable freeholders of said town of Jefferson, who, with the assessor of said town, (who shall always be one of the three commissioners,) shall make such assessment. The commissioner and assessor thus appointed shall be sworn faithfully and impartially to make such assessment, and do their duty to the best of their ability.

Commissioners' meeting, notice of—duties, etc.

§ 12. Before entering upon their duties, the commissioners shall give six days' notice to all persons interested, by posting up notices in three of the most public places in said town of Jefferson, of the time and place of meeting; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the said board of trustees to be assessed upon the real estate by them deemed benefited, resulting thereto, as nearly as may

be, and briefly describe, in the assessment roll to be made by them, the real estate in respect to which any assessment is made.

§ 13. When the commissioners shall have completed their assessment, and made [a] correct copy thereof, and each commissioner signed the same, they shall deliver the said assessment roll to the town clerk of said town of Jefferson, within sixty days after appointment. The town clerk shall thereupon cause notices to be posted up in three of the most public places of said town, for the space of six days, to all persons interested, of the completion of the assessment, and of the filing of the roll. Time and place shall be designated therein for hearing objections.

Assessments.

§ 14. Any person or persons interested may appeal to said board of trustees for the correction of the assessment. Appeals shall be in writing, and filed in the town clerk's office within sixty days after the notice shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment roll in any way they may deem best, by appointing three other commissioners, or otherwise; and when confirmed, it shall be final and conclusive on all parties interested. When confirmed, the assessment shall be collected as hereinafter shall be provided; and no appeal or writ of error shall lie in any case from such order or determination. If any assessment be set aside by order of any court, the board of trustees may cause a new one to be made, in like manner, for the same purpose, for the collecting the amount so assessed. If any vacancy happens in the office of commissioner at any time, by reason of the removal, failure or refusal or inability, from sickness or other cause, to serve, the board of trustees may fill such vacancy. If the first assessment prove insufficient, another may be made in the same manner; or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Appeals.

New assessment

Vacancy in office of commissioners.

§ 15. Commissioners appointed under this act (and the said assessor) may be sworn into office by the town clerk; and said commissioners shall be allowed three dollars per day, each, for actual service; which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement, and included therein.

Commissioners' compensation.

§ 16. When the assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of the said county of Cook; and it shall be the duty of said clerk of the county court, in the warrant next thereafter to be issued for collection of state and county taxes

Duties of town clerk in reference to assessments.

levied upon the real estate in said town of Jefferson, to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amount of said assessment, respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessment, and enforce the payment thereof, in the same manner, and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the supervisor, or other officer entitled to receive the town tax, at the same time that he is required to pay over the county revenue; and the proper court of said county shall render judgment against, and order the sale of, any lot, piece or parcel of real estate, for the non-payment of the said assessment and costs, in the same manner as is or may be provided for state and county taxes, and judgment shall be rendered for the aggregate amount for state, county and other taxes, and the assessment aforesaid. The sale shall be conducted upon the same notice and judgment, and in the same manner, as is or may be provided by law for state and county taxes. The right of redemption shall exist, and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same person, and shall have the same effect as evidence, as deeds executed in pursuance of the laws now in force, or hereafter to be enacted, providing for the collection of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessment as is allowed for the collection of state and county taxes, to be paid out of the funds of the town of Jefferson; and he shall be liable, on his bond, for the faithful performance of the duties required under this act.

§ 17. This act shall be deemed and taken as a public act, and construed in the most liberal and beneficial manner to carry out its provisions, and be in force from and after its passage.

§ 18. The adoption of this act shall be submitted to a vote of the legal voters of said town of Jefferson at the next annual town meeting. The ballots on that subject shall be indorsed "For town charter," or "Against town charter;" and if a majority of the legal votes so cast at said town meeting on said subject be indorsed, "for town charter," then this act shall become a law, and not otherwise. The result of the vote upon this subject shall be returned to the county clerk of Cook county, in the same manner as other election returns are made; and the certificate of the said county clerk as to the said return shall be evidence of the result of said vote on said subject.

APPROVED March 7, 1867.

AN ACT to amend an act entitled "An act to amend the charter of the town of Hennepin," published on pages 131-135 of laws 1852. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first, second and third sections of the act to which this act is an amendment be and the same are hereby repealed, and the original law repealed by said first section of the act hereby amended is hereby revived and declared to be in full force. Sections re-pealed.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the town of Mackinaw.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Mackinaw, Tazewell county, Illinois, are hereby created a body corporate and politic, by the name and style of "The Town of Mackinaw." Name and style.

§ 2. All powers granted to the town of Mason, by an act entitled "An act to incorporate the town of Mason, Effingham county, Illinois," approved February 15, 1865, are hereby granted to said town of Mackinaw. Corporate powers.

§ 3. That the boundaries of said corporation shall be as follows: Commencing at the north-east corner of the west half of the north-east quarter of section number seventeen (17), in township number twenty-four (24) north, range number two west of the third principal meridian; thence south three-fourths of a mile; thence west one mile; thence north three-fourths of a mile; thence east to the place of beginning—including all the territory within the above bounds. Boundaries.

§ 4. The first election for town officers, under the provisions of this act, shall be held on the first Monday in April, 1867, and elections shall be held annually thereafter as provided in the sixth section of the act to incorporate the town of Mason. Election of officers.

This act to be in force from and after its passage.

APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Xenia," approved February 16, A. D. 1865.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Xenia, in the county of Clay and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Xenia," and by that name and style shall have perpetual succession; shall have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, with power to regulate and manage its affairs.

Name and style.

Powers and privileges.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatever; and purchase, receive and hold property, real or personal, within or beyond the limits of said town, for burial grounds, and for other public purposes, for the use of the inhabitants of said town; and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property; and may do all things pertaining thereunto as natural persons.

Boundaries.

§ 3. The boundaries of said town shall include within their limits all of the tracts of land embraced in the plat of the town of Xenia, together with all the additions that now are or may hereafter be made to said town plat, as recorded in the recorder's office of the said county of Clay.

ARTICLE II.

Council.

§ 1. There shall be a town council, to consist of a president and four trustees, to be chosen annually by the qualified voters of the said town.

Qualifications of members.

§ 2. No person shall be a member of the town council who shall not have been, for one year previous to his election, a resident and *bona fide* free-holder within the limits of said town (which residence shall not be for the purpose of education or for any other temporary purpose), and who shall not be a qualified voter at all elections for state and county officers.

Vacation of office.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, or absent himself therefrom for three successive months, his office shall thereby be vacated.

Qualifications, and returns.

§ 4. The town council shall judge of the qualifications, elections and returns of its own members: *Provided*, the election of any trustee may be contested in the same man-

ner as is provided by law for contesting the election of supervisors.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum—
absentees.

§ 6. The town council shall have power to determine the rules of its proceedings, and punish its members for disorderly conduct in such manner as may be prescribed by ordinance, and may, by a vote of three-fourths of all the members elected, expel a member for good and sufficient cause. Rules of pro-
ceedings.

§ 7. The town council shall keep a journal of its proceedings; and no member of the town council, during the term of his office, shall be appointed to any office under the authority of the council, nor make any contract with said council; and the journal of said council shall, at all proper times, be open to the inspection of the inhabitants of said town. Journal of pro-
ceedings.

§ 8. All vacancies that shall occur in the town council shall be filled by election, and each and every member of said council shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of this state and the United States, and that he will well and faithfully perform all the duties of his office to the best of his skill and ability. Vacancies.

Oath of office.

§ 9. In case of a tie in the election of members of the council, the judges of election shall certify the same to the police justice, who shall determine the same, by lot, in such manner as may be prescribed by ordinance. Tie vote.

§ 10. There shall be one stated meeting, in each month of the year, of the town council, at such time and place as may be prescribed by ordinance. Stated meetings

ARTICLE III.

§ 1. There shall be elected in the town of Xenia, by the qualified voters thereof, on the second Tuesday of March, A. D. 1870, and on the second Tuesday in March, quadrennially thereafter, one police justice and one town constable, who shall hold their offices for four years, and until their successors shall be elected and qualified; and their eligibility shall be the same as required for members of the town council, in section second, article second, of this act; and for the election of all of said officers the town of Xenia is hereby declared an election precinct, and such election shall be conducted and the returns thereof made pursuant to the election laws of this state. Election of offi-
cers.

§ 2. The police magistrate shall have exclusive jurisdiction in all cases arising under the ordinances of the cor- Magistrates.

poration, and concurrent jurisdiction, power and authority in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees as other justices of the peace, in like cases; and he shall have power and authority to perform all acts that other justices of the peace are now authorized to perform under the laws of this state, and to the same extent, and subject to the same liabilities as other justices of the peace; and the said police magistrate shall, before entering upon the duties of his office, take and subscribe the same oath of office, and execute the same bond, and be commissioned in the same manner as other justices of the peace: *Provided*, that the police magistrate elected under the act to which this act is an amendment, and who is now in office, shall, within ten days after the passage of this act, execute an additional bond for an amount four times as great as the bond now given by him, in the manner now provided by law: *And, provided*, his successor in office shall execute a bond for an amount five times as great as the bond now required by the law of this state, of justices of the peace, and in the manner now provided by law; and said police magistrate shall be, *ex-officio*, justice of the peace of the county of Clay: *And, provided*, that a change of venue in the manner now provided by law, shall be granted in all cases under the ordinances of the town council from the police justice of said town to the nearest justice of the peace, who is hereby invested in such cases with all the authority of the police magistrate in all cases under the ordinances of the town council: *Provided, also*, that in the event of the absence, sickness, death or resignation of the police justice, the next nearest justice of the peace of Clay county shall be invested with the powers conferred upon police justices by this act, in all cases under the ordinances of the town council, until such cause is removed.

Proviso.

Proviso.

proviso.

Proviso.

Constable—fees
and compensa-
tion, oath, du-
ties, etc.

§ 3. The town constable shall be, *ex-officio*, a constable of the county of Clay; he shall be entitled to the same fees as other constables, and in addition thereto, such other compensation as the town council may allow him for special services as policeman, or other services; and he shall, before entering upon the duties of his office, execute a bond, as now required by law, and as in all respects as herein provided in section second of this article, of the police magistrate, and shall, in all cases of malfeasance in office, be subject to the same penalties that other constables of this state are now or may hereafter be subject to. Whenever the constable of said town shall see any person or persons, within the limits of said town, engaged in any assault, assaults and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind, within said town, it shall be his

duty to make immediate arrest of such person or persons, on view, without warrant; and in all such [cases] any constable of the county of Clay shall have the same power of arresting without warrant as the said town constable in such cases would possess; and in all such cases of arrest without warrant, the constable making such arrest shall forthwith take such person and persons before the police magistrate of said town; or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein in all respects the same as if such person or persons had been arrested under a warrant, by him duly issued; and the said town constable shall well and faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

ARTICLE IV.

§ 1. On the second Tuesday in March, A. D. 1867, and Elections. annually thereafter, there shall be held in said town an election for the president and four members of the town council, and for police magistrate, and town constable, in the manner provided in section first, article third, of this act; said election shall be conducted in all respects conformably to the election laws of this state, so far as the said laws pertain to the election of the police magistrate and town constable, and of the other officers, unless otherwise regulated by ordinance not repugnant to the constitution and laws of this state: *Provided*, the polls of said election, until otherwise regulated by ordinance, shall open at one o'clock P. M., and close at six o'clock P. M., of said day, and all persons who are now or may hereafter be qualified electors at elections under the general election laws of this state, may vote at said elections.

ARTICLE V.

§ 1. The town council shall have power to appoint a Appointment of
clerk, treasurer, assessor, street commissioner, and all such officers.
other officers as may be necessary, and prescribe their duties and to require of all officers appointed in pursuance of this charter, bonds, with such penalties and security as may be Securities, etc.
deemed expedient for the faithful performance of their respective duties; also to require of all officers appointed as Oath of office.
aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before they shall enter upon the discharge of the same.

Taxes, etc.

§ 2. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said town, not exceeding one-half per centum, upon the assessed value thereof, and may enforce the payment of the same by filing a certified statement of the amount of such tax with the clerk of the county court of Clay county; and the said clerk shall include such amount in the tax warrant next issued by him for the collection of state and county taxes; and the same shall be a lien on the taxable property of said town, and such tax shall be collected in the same manner as now provided by law for the collection of state and county taxes.

Appropriations.

§ 3. To appropriate money and provide for the payment of the debts and expenses of the town.

General health.

§ 4. To make regulations to secure the general health of the inhabitants of the town; to prevent the introduction and spread of contagious diseases, and determine what shall be a nuisance, and provide for the punishment, removal and abatement of the same.

Water.

§ 5. To provide the town with water to sink and keep in repair wells and pumps in the streets or parks for the convenience of the inhabitants.

Street improvements.

§ 6. To open, alter, extend, grade, pave, or otherwise improve streets and alleys, and remove obstructions therefrom; to erect and keep in repair bridges.

Markets.

§ 7. To erect market houses, to establish markets and market places, and to provide for the regulation thereof.

Public grounds.

§ 8. To provide for inclosing, improving and regulating all public grounds belonging to the town.

Auctioneers, shows, etc.

§ 9. To license, tax, and regulate auctioneers, hawkers, teamsters, brokers, draymen and pawn-brokers; to license, tax, regulate and suppress theatrical and other exhibitions, ball alleys, billiard tables, lotteries, shows and amusements.

Liquor traffic.

§ 10. To prohibit the sale of any kind and description of ardent spirits, and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses: *Provided*, the town council shall have power to license and regulate the sale of spirituous liquors, ale and beer.

Fires, etc.

§ 11. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies, regulate the fixing of chimneys and the flues thereof, and to provide reservoirs of water at convenient places, to be used in case of fires.

Combustibles.

§ 12. To regulate the storage of tar, pitch, rosin, gun powder, and other combustible materials.

Census.

§ 13. To provide for taking enumerations of the inhabitants of the town.

Elections.

§ 14. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

§ 15. To fix the compensation of town officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this act or any ordinance: *Provided*, that the members of the town council shall not receive, for their services, more than one dollar per day.

Compensation
of officers.

Proviso.

§ 16. To organize and regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, for the recovering and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.

Police, fines, etc

§ 17. The town council shall have power to erect, within the town of Xenia, a calaboose for the confinement and punishment of persons guilty of violation of the ordinances of the corporation hereby created, and to erect all other needful buildings.

Calaboose.

§ 18. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, when the town council shall deem necessary, and to regulate the speed of locomotives and engines within the town limits.

Railroad crossings, etc.

§ 19. The town council shall have power to make and enforce all ordinances necessary to preserve good government, order and harmony in said town, and punish offenders by fine or imprisonment, or both, in the town calaboose, or by work on the streets in said town, at the rate of one dollar per day, in all cases where such offender shall fail or refuse to pay the fines and forfeitures which may be recovered against them: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or this state.

Necessary ordinances.

Offenders.

§ 20. All ordinances passed by the town council shall, within five days after they shall have been passed, be published in some newspaper published in the town, or, if no newspaper, in such way as shall be provided by ordinance; and they shall not be in force until they shall have been published as aforesaid.

Publication of ordinances.

§ 21. The style of the ordinances of the town shall be, "Be it ordained by the Town Council of the Town of Xenia."

Style of.

§ 22. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Proof of.

ARTICLE VI.

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote and no other.

President.

He shall be, *ex-officio*, a member of the board of supervisors of the county of Clay, and shall have the same powers as any other supervisor of said county, and receive the same compensation for the same services. In any case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the council may call special meetings of the town council.

Duties of.

§ 2. The president shall be active and vigilant in enforcing the law and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

§ 3. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

ARTICLE VII.

Taking private
property for
public purposes

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same, before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested free-holders of the town.

Petitions of the
owners of.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering of the same, but no compensation shall be allowed to such owner for their property so taken.

Jurors' duties
therein.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering of any street or alley, shall first be sworn to that effect, and shall return to the police justice their inquest, in writing, signed by each juror, and the police justice shall keep a record of the same as in other cases: *Provided, always*, in the assessment of such damages, the jury shall take into consideration the benefits as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley, by such opening or altering.

ARTICLE VIII.

§ 1. The inhabitants of the town of Xenia are hereby exempted from working on any road beyond the limits of the town, and from preventing any laborers to work on the same or paying a tax therefor.

Exemption from
road labor.

§ 2. The town council shall have power and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay the sum of one dollar to said town for each day so neglected or refused.

Street labor.

§ 3. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Annual state-
ments.

§ 4. All ordinances and resolutions passed by the president and trustees of the town of Xenia, which are in strict conformity to the provisions of the act to which this act is an amendment, shall remain in force until the same shall have been repealed by the town council hereby created.

Ordinances in
force.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Xenia, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Xenia, shall be vested in and prosecuted by the corporation hereby created.

Suits and prose-
cutions.

§ 6. All property, real and personal, heretofore belonging to the president and trustees of the town of Xenia, for the use of the inhabitants of said town, or their benefit, shall be and the same is hereby declared to be vested in the corporation hereby created.

Vested corpora-
tion property.

§ 7. This charter shall not invalidate any act done by the president and trustees of the town of Xenia, nor divest them of any rights which have accrued to them prior to the passage of this act: *Provided*, their acts have been conformable to the act of which this act is an amendment.

Invalidation of
acts and powers

§ 8. The president and trustees of the town of Xenia shall, immediately after the passage of this act, take measures to promulgate this law within the corporate limits of the town of Xenia, and issue their proclamation for the election of officers, and cause the same to be published by posting up notices in six of the most public places in said town for ten days prior to the day of election of such officers.

Promulgation of
laws.

Appeals.

§ 9. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Clay county; and every appeal shall be taken and granted in the same manner, and with like effect, as appeals are taken from and granted by justices of the peace to the circuit court in similar cases, under the laws of this state.

Police magis-
trate—vacancy

§ 10. Whenever the police magistrate or town constable shall remove from the town, resign, or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

Treasurer.

§ 11. It shall be the duty of the treasurer to receive all moneys due the corporation, giving only his receipt therefor, and pay out the same upon warrant of the town council, signed by the president and countersigned by the clerk. He shall keep in a well-bound book a fair account of all such receipts and payments, and shall report thereof to each regular meeting of the town council.

Clerk.

§ 12. It shall be the duty of the town clerk to keep, in a well-bound book, a record of all the proceedings of the town council, and a faithful account of all its fiscal affairs; to file and carefully preserve all books, maps, records and papers relating to his office and the corporation, and furnish duly attested transcripts therefrom, when required; to draft and countersign all warrants for the payment of money; to issue all licenses and permits, and give due notice of all elections, contracts and lettings, and all other matters requiring publication, when ordered by the town council; and to perform what other duties may be required of him by the council.

Officers' bonds.

§ 13. The president, treasurer, town assessor, street commissioner, and such officers as the town council may from time to time direct, shall, each, before entering upon his official duties, file with the town clerk his bond, in such amount and with such security as the town council may direct and approve, conditioned for the faithful discharge of all his duties under this act, and the rules, regulations, by-laws and ordinances of the town council, who may, at any time, for proper cause, order a new bond, with additional security and increased penalty.

Witnesses.

§ 14. No inhabitant or officer of said corporation shall for that cause be disqualified as a witness or juror, in any suit or proceeding wherein the corporation may be a party, or may be interested.

Recovery of
fines, etc.

§ 15. All actions for fines, penalties and forfeitures accruing for the breach of any ordinance of said town shall be in debt. The ordinary process shall be by summons; but in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused is about to abscond or depart without the limits of the county, or has so absconded or departed, then the police

magistrate may issue his warrant to bring the party accused forthwith before him, to answer such complaint; and the party accused shall remain in the custody of the officer until the suit is disposed of, and the fine and costs, if any, imposed on him or her, be paid, or otherwise discharged according to law: *Provided*, the party accused shall have the right to enter into recognizance, with good security, as now provided by law; and in default of such bail, the officer may commit the party to the calaboose for safe keeping while the cause is not being tried. The recognizance shall be filed in the office of the police magistrate, and, in case of forfeiture, shall be transmitted by him to the clerk of the town council.

§ 16. All moneys arising from fines, forfeitures and penalties, licenses, taxes and assessments, shall be paid to the treasurer, and go to the sole and exclusive use of the inhabitants of the town of Xenia, to be appropriated and expended by the town council for the advancement, improvement and benefit of said town.

Disposition of moneys arising from fines, etc.

§ 17. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

Evidence of act

§ 18. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Conflicting acts repealed.

§ 19. This act to take effect from and after its passage. This act shall be submitted to a vote of the legal voters of said town, at an election to be held for that purpose, on the first Tuesday in April, 1867. The tickets shall be indorsed, "for the act," or "against the act;" and if a majority of the votes are in favor of this act, it shall become a law, but not otherwise. Notice of such election shall be posted up, by the clerk of said town, in at least three of the most public places in said town.

Act submitted to legal voters.

APPROVED March 7, 1867.

AN ACT to amend the charter of the town of Crotty.

In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That part of section nine (9), with reference to licensing of retail liquor dealers, shall be amended to read "for a less sum than fifty dollars (\$50) per year, nor for a greater sum than two hundred dollars (\$200) per year;" that the trustees of said town shall have power to regulate, grade, plank, pave

Amended section.

Street improve-
ment.

Proviso.

Miscellaneous
provisions—
licenses, etc.

and improve the streets, public squares, alleys and sidewalks; to cause all streets and alleys laid out in said town to be opened, worked, graded, sewered, drained and improved, by giving twenty days' notice for the opening said streets or alleys; to locate and vacate streets and alleys upon the petitioning of a majority of the property-holding legal voters residing on such streets or alleys to be located or vacated: *Provided*, that upon locating or vacating any street or alley, said board shall hear and determine upon remonstrances, if any there be, and any person or persons owning property through [which] such streets or alleys may be located or vacated, may be redressed in damages, to be paid by the town when assessed by three disinterested parties, chosen as follows, to-wit: one by the board of trustees; one by parties owning real property to be affected by the location or vacation of said street or alley; the third to be chosen by the two first chosen by said board of trustees and property holders; to build and keep in repair all bridges and sidewalks; to license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, bankers, peddlers, brokers, pawn brokers and money changers; to establish, support and regulate night watches; to license, tax, and regulate hackers, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, carriage and drayage of property; to establish and maintain a fire department; to appoint one or more fire wardens, whose duty shall be prescribed by ordinances; to regulate the fixing of chimneys and fines thereof; to regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance; to fix the compensation, by fees, commissions or otherwise, of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance; to regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinances, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalty. The trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances [are not] repugnant to nor inconsistent with the constitution of the United States or this state. All ordinances may be proven by the seal of the corporation, and when printed and published in book form, purporting to be published by authority of the corporation, as in force, the same shall be received in evidence in all courts and places, without further proof. This act shall be submitted to the legal voters of the said town of Crotty at the next election held in said town after the passage of this act, and if the majority are in favor of the same, it shall become a law, but not otherwise. The tickets shall be

endorsed "for amendments," or "against amendments." The result of said election shall be certified by the inspectors of election to the clerk of said town. This certificate of such result shall be evidence in all courts and places of the truth of the same.

APPROVED March 6, 1867.

AN ACT to incorporate the town of Onarga, in Iroquois county.

In force March
9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Onarga, in the county of Iroquois, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The Town of Onarga," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style.

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the northeast corner of fractional section nineteen (19,) town twenty-six (26) north, of range eleven (11) east of the third principal meridian; thence running west on the section line to the northwest corner of the northeast quarter of section twenty-four (24,) town twenty-six (26) north, of range ten (10) east of the third principal meridian; thence running south on the half section line to the southwest corner of southeast quarter of the same section; thence east on the section line to the southeast corner of fractional section nineteen (19,) of town twenty-six (26) north, of range eleven (11) east of third principal meridian; thence north on section line to the place of commencing. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease, or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other such acts and things in relation thereto that natural persons might do: *Provided*, no lands shall be sold by them which has been conveyed to or is held Powers.

by the corporation for streets, alleys, lanes, public grounds or squares.

Trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act, until the first Monday of March, in the year of our Lord one thousand eight hundred and sixty-seven, and until their successors are elected and qualified.

Election of officers.

§ 5. On the first Monday of March, in the year of our Lord one thousand eight hundred and sixty-seven, and ever afterwards on the first Monday of March, in each and every year, an election shall be held in said town of Onarga, for the election of five trustees, one constable, one treasurer, one assessor, and one collector of said town. The persons so elected shall be citizens of the United States and of this state; and shall have actually resided within said town one year next preceding their election, and shall hold their offices for the term of one year, and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Notice of election.

§ 6. The incumbent board of trustees shall give ten days' previous notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notice shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour at which they shall be closed. The voters who may be present at the time and place specified for holding any such election, shall at the hour specified for the opening of the polls, appoint, by acclamation, three of their number to act as judges of such election, and the said judges shall appoint two clerks of said election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of election for state and county purposes. All such elections shall be by ballot, and all persons who by the laws of this state are entitled to vote

Judges—clerks

Qualifications of voters.

for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town in such manner as may be provided by ordinance.

POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and this state, and that they will, to the best of their abilities, faithfully discharge the duties of their office. They shall hold at least one regular meeting every three months, and shall at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper; they shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal, resignation or continual absence from their regular meetings for the term of three months, or otherwise. They may punish their members, or other persons for disorderly conduct before the board while in session, and by a vote of four-fifths of all their members they may expel a member for good cause shown; and they shall have power to remove from office (by a vote of four-fifths of all their members,) any subordinate officer of said town, who holds his office by appointment of the board of trustees of said town.

Oath of office.

Regular meetings, president etc.

Vacancies.

Punishment of members.

§ 8. They shall have power, and it shall be their duty to appoint a clerk, one or more street commissioners, and such other officers as may be necessary for carrying into effect the provisions of this act, and the ordinances of said town, and to require all officers to take an oath that they will support the constitution of the United States and of this state, and will faithfully and to the best of their abilities discharge the duties of their offices, to give bond with sufficient security, to be approved by said board of trustees, well and truly to perform the duties of their respective offices; all such bonds to be given to said incorporation by its corporate name.

Officers.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding one dollar annually on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances not repugnant to the constitution of this state or the United States. They shall have power to appropriate money, and to provide for the payment of the debts and expenses of the incorporation.

Taxation.

Appropriations.

§ 10. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the

Indebtedness.

amount of the money borrowed and the indebtedness of the incorporation on account of money loaned, shall at no time exceed three per cent. on the assessed valuation of property in said town, and at a rate of interest not exceeding ten per cent. per annum.

Funds — penalties for wrongful conversion.

§ 11. Any member of the board of trustees knowingly voting in favor of any misapplication or wrongful conversion of the funds or personal property of the town, shall be personally liable to the town in an action on the case for the amount so misapplied or converted, and costs.

General health.

§ 12. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof by fines, penalties or imprisonment in the county jail of Iroquois county or by both such fine and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

Street repairs.

§ 13. They shall have power, and it shall be their duty to cause all streets, alleys and public roads within said town to be kept in good repair, and for that purpose they may require every male resident of said town, over the age of twenty-one years and not exceeding fifty years, to labor thereon not exceeding three days in each and every year, or to pay, at the time of being notified to work, the sum of one dollar for every day's labor required of him; and if the money and labor performed and received be not sufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor; and the inhabitants of said town shall be exempt from working on any road outside of the same.

Street labor.

Drains, etc.

§ 14. They shall have the power to drain or cause to be drained any slough or pond within the limits of said town, and tax the land upon which such slough or pond is situated, to defray the expense of such drainage.

Water.

§ 15. They shall have the power to provide the town with water; to sink and keep in repair public wells; and to erect and keep in repair such public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay and stone coal, and the measurement of wood to be used in said town.

License, tax and regulate auctioneers, merchants, etc. and prohibit gambling, etc.

§ 16. They shall have the power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers; and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gun powder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices; and to suppress and prohibit gambling houses, bawdy houses, houses of ill fame,

and other disorderly houses within said town and one mile from the limits of said town.

§ 17. They shall have the power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions, and amusements of every kind, unless gotten up in said town by the citizens of said town. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town; or disorderly assemblages of any kind within the limits of said town; to prohibit and impose penalties on the authors thereof, or any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town.

Exhibitions, riots, affrays, etc

§ 18. They shall have the power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large, contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fire works or combustibles within said town.

Dogs at large—firing of combustibles.

§ 19. They shall have power to prevent the incumbering of any street, lane, avenue, road, alley or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules or other animals attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, sheep, hogs or other animals from running at large in said town; and to provide for distraining and impounding any such animal or animals, and the sale thereof to satisfy costs and charges and penalty or penalties incurred under any ordinance of said town; to prevent racing within said town with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; and also to prohibit and punish the abuse of any and all animals within said town.

Street encumbrances, etc.

Animals at large

Riding and driving.

§ 20. The said president and trustees of the town of Onarga shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any manner trafficking in any spirituous, vinous and malt liquors of any kind within the limits of said town: and may, by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any spirituous, vinous or malt liquors within the corporate limits of said town, and the place or places where the same is carried on, or either of them, a nuisance, and shall have and exercise the same power and authority to provide for the prohibition or prevention, re-

Liquor traffic.

- Proviso. removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section twelve of this act in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same in good faith for purely medicinal, mechanical or sacramental purposes, and not for any other purpose: *Provided*, they shall not impose any fine by authority of this section of more than fifty dollars for any one offense, or any penalty in the county jail of more than thirty days for any one offense.
- Vagrants, etc. § 21. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley or other public place in said town.
- Founderies, livery stables, offensive establishments, etc. § 22. They shall have power to direct the location and regulate the construction and management of blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the construction and management of, or to restrain, abate and prohibit, within said town and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal and such other substances as may be rendered or tried, and other establishments or places where nauseous, offensive or unwholesome business may be carried on.
- Fires, etc. § 23. They shall have power to make such regulations for the prevention and extinguishment of fires, and shall have the charge and control of the same. They shall also have power to organize fire, hook, hose, axe and ladder companies, and to make rules and regulations for the government of the same.
- Enlargement of boundaries. § 24. They shall have power to enlarge the boundaries of said town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town, until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said [town,] and all the legal voters residing within such proposed enlargement, and shall have been authorized, by a majority of such persons voting at such election, to make such enlargement.
- Necessary ordinances. § 25. They shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state, or of the United States, and to cause the same to be executed. They shall also have power to impose fines and penalties for the breach of any law or ordinance of said town, or of any provision of this act, and to provide for the recovery and enforcement
- Fines, etc.

of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment in the county jail, for any one offense, of more than six months. Proviso.

POWERS AND DUTIES OF THE PRESIDENT.

§ 26. The president shall preside at all meetings of the board, when present; and in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president, or any two members of the board, may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the official conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town to aid in enforcing the laws and ordinances of said town; and any and every such person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars nor more than twenty-five dollars. He shall have power, whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers; and shall have power, and it shall be his duty, to do all other acts and things that may be required of him by the laws and ordinances of said town. President.

MAGISTRATES AND CONSTABLES.

§ 27. The present police magistrate of said town of Onarga, holding his office under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold his office under and by virtue of this act, until the expiration of his term of office. At the first election under this act for trustees of said town, after the expiration of the term of office of the present police magistrate of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Iroquois; and he shall qualify in the same manner, and be subject to the same penalties, that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Iroquois might have and exercise in similar cases. Police magistrate. magis-
Term of office.

§ 28. Said police magistrate shall be a conservator of the peace for said town of Onarga, and shall have exclusive Jurisdiction.

- original jurisdiction, except as hereinafter provided, in all cases arising out of or under the laws and ordinances of said town, or this act, and shall in all cases possess and may exercise all the rights, powers and authority now conferred on police magistrates by the laws of this state.
- Vacancy.** Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.
- Fees, etc.** § 29. He shall in all cases be entitled to the same fees and emoluments as may be provided by ordinance. In case of the absence of said police magistrate, or his inability, any justice of said county of Iroquois, having an office in said town, shall have the same jurisdiction, powers and authority, under the laws and ordinances of said town, as the said police magistrate possesses in like cases.
- Rules of proceedings.** The rule of practice and proceedings in all cases arising out of the laws and ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except when such rule and proceeding shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.
- Change of venue and appeal.** § 30. In all cases arising under any ordinance of said town, or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of said county of Iroquois, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town, or under this act, if either party wishes to appeal, he or they shall give notice, in writing, thereof, to the justice of the peace before whom the case was tried, on the day of the trial thereof, and shall file the necessary appeal bond with such justice of the peace within five days from the day of such trial.
- Proviso.**
- Constable.** § 31. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town, or any justice of the peace of said county of Iroquois. He shall have and may exercise, in all cases, the same powers and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to such fees for his services as may be prescribed by ordinance, and shall, in all cases of non-feasance and misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

§ 32. In all cases arising under the laws or ordinances of said town, any constable of the county of Iroquois shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind, within said town, it shall be his duty to make immediate arrest of such person or persons, on view, without warrant; and in all such cases, any constable of the county of Iroquois shall have the same power of arresting without warrant as the said town constable in such cases would possess; and in such cases of arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or, in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

Processes.

Arrests.

MISCELLANEOUS PROVISIONS.

§ 33. The board of trustees shall prescribe, by ordinance, the compensation to be received by all officers of said town.

Town officers' compensation.

§ 34. Until the board of trustees of said town of Onarga shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10th, 1849, for the collection of other corporation taxes.

Collection of taxes.

§ 35. All prosecutions under the laws and ordinances of the town of Onarga, for assaults, assaults and batteries, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and in cases in which the penalty, by the laws or the ordinances of said town, is imprisonment in the county jail of said county of Iroquois, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state of

Prosecutions.

Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases, the rules of practice and proceedings shall be the same as prescribed in such cases, for justices' courts, by the laws of this state, except when the laws and ordinances of said town prescribe new rules, or different rules of practice or proceedings, in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town.

Recovery of
fines, penalties
etc.

§ 36. In all other cases for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by action of debt in the name of "The Town of Onarga," and in all such actions of debt the first process shall be by summons, to be issued, served and returned as other summons, in actions of debt issued by justices of the peace of said county of Iroquois, unless some competent person shall before the commencement of any such action of debt, file with the police magistrate or justice of the peace before whom such suit is about to be commenced, an affidavit accusing the person or persons about to be sued with some one or more violation of the laws or ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or person so accused shall be forthwith arrested and brought to trial there is danger that the penalty or penalties in such case will be lost, and specifying the facts on which such belief is founded, in which case, if the said police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinion set forth in such affidavit is correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him he shall proceed at once to the trial of such suit, which shall be by action of debt for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid, and if the defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in said affidavit, judgment shall be entered for the amount of fine assessed and the cost of suit as in other cases.

Debt for offenses committed.

Proviso.

§ 37. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall not in any case exceed one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town.

Security—costs.

§ 38. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of

any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees or other officer of said town shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town.

§ 39. Upon the rendition of any judgment for a breach or of any law or ordinance of said town, the police magistrate or justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and costs of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon that he can not find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, or if the defendant or defendants are transitory, then the said police magistrate or justice of the peace shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall immediately arrest and convey him, her or them to the jail of the county of Iroquois, there to remain forty-eight hours if the fine and costs amount to five dollars, and twenty-four hours for every additional sum of two dollars: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the said county of Iroquois, to have the same levied upon real property, and shall signify the same to such police magistrate or justice of the peace, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgments rendered in the circuit court of said county in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act or any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond, within the time required, the police magistrate or justice of the peace shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such judgment.

Judgments and
executions.

§ 40. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking private property for any public use; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be as-

Taking private
property for
public use.

certained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall first be sworn to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking and the proposed use of such property, they shall within ten days make out their verdict, in writing, (signed by each of said jurors,) to the police magistrate of said town, assessing to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their attorney, and owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Iroquois. When any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate and entered on his docket, unless set aside or appealed from, it shall be a judgment against the said town of Onarga, in favor of such owner included therein, for the amount of damages thereby assessed to him; and in case the sum assessed to the owner exceed one hundred dollars, the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Iroquois county a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court in the same manner as other transcripts from justices' dockets, and shall, from the time of such filing, have all the force and effect in favor of the person or persons entitled to such damages as a judgment obtained in said circuit court.

Ordinances in
full force.

§ 42. All ordinances and resolutions heretofore passed by the president and trustees of the said town of Onarga, which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may accrue to them prior to the taking effect of this act, shall be vested in and prosecuted and recovered by the corporation hereby created.

Property vested
in corporation.

§ 43. All property belonging to the president and trustees of the town of Onarga, for the use of the inhabitants of said town, shall, upon the taking effect of this act, be vested in the corporation hereby created, and this act shall not in-

validate any act done by said president and trustees, nor divest them of any rights which may have accrued to them prior to the passage of this act.

§ 42. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town or any justice of the peace of the county of Iroquois, the court shall, for good cause shown, have power to set aside the verdict of the jury and grant a new trial of the case: *Provided*, the application for setting aside the verdict shall be made when such verdict is returned into court.

Setting aside of verdicts.

Proviso.

§ 43. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record book of the corporation of the town of Onarga, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Onarga, shall be sufficiently proven in any court of law and equity in the state of Illinois by the production, in such court, of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereinafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and shall be signed thereon by the president and clerk of the board of trustees, with their own proper signatures; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall also note the date of the adoption and of the publication, and the time of taking effect thereof.

Clerk's duties.

Evidence of act

§ 44. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force March 8, 1867. AN ACT to amend an act entitled "An act to incorporate the town of De Kalb," approved February 21, 1861.

Taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of said town may, annually, by special ordinance, levy a tax, not exceeding three per cent. upon the assessed value of all the taxable property, both real and personal, within the corporate limits of said town, in lieu of all other assessments; and, upon the passage of such ordinance, the clerk of the board shall transmit a duly certified copy thereof to the clerk of the county court of DeKalb county, and, also, a list of the names of all persons, within said town, listed for assessment for personal estate, with a description of the lands within the corporate limits of said town, on or before the first day of September of such year; on receipt of which the said clerk of the county court shall, in a separate column, extend on the tax-book of the township of DeKalb, for that year, on all the personal and real estate within said corporate town, the rate specified in said certificate, for which service he shall be entitled to two cents for each tract and name on which said tax is so extended—to be paid by said town; and the collector of taxes for the township of DeKalb shall collect the same at the same time and in the same manner as the state and county taxes are collected, with the same powers in relation to the enforcement of the same; and, when so collected, shall pay the same to the treasurer of said town, after deducting, for his fees, the same rate per cent. allowed by law for collecting state and county taxes; and upon the return, by the collector, of the non-payment of any such tax, the revenue laws of the state, in force, shall apply and be in force the same as to all other taxes or lands returned to the county treasurer as delinquent, for the non-payment of taxes. The office of collector for the said town is hereby abolished.

Licenses.

§ 2. The board of trustees of said town shall not grant any license to extend beyond the term for which they were elected, but all licenses shall expire on the day for the annual election of trustees of said town; nor shall any license be granted for a less sum than at the rate of three hundred dollars per annum.

Liquor licenses.

§ 3. No board of trustees shall grant a license to any person to keep a grocery or saloon for the sale of any kind of spirituous, intoxicating or mixed liquors, ale, beer or wine, when said saloon or grocery shall be located on Main or Depot streets, or upon the streets or alleys next adjoining either of said streets, on the north or south, between First and Fourth streets, nor upon any street crossing Main or Depot streets, between First and Fourth, for the distance of two blocks, each way, from said Main or Depot streets.

Any person selling or giving away any spirituous or intoxicating or mixed liquors, ale, beer or wine within the limits aforesaid, shall be subject to all the penalties of the laws of this state, in force, for selling liquor without a license.

§ 4. No license shall be granted by any board of trustees of said town to any person to keep any billiard saloon or table within the limits described in section three of this act. Any person keeping any billiard saloon or tables within said limits shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense. All violations of this act shall be commenced and prosecuted in the same manner that cases of assault and battery are now provided for by law, and all fines collected for any violation of this act shall be paid into the treasury of said town. Billiards, etc.

§ 5. The board of trustees of said town may, by ordinance, empower any constable or other person to close up any house or place where any liquor, ale, beer or wine may be sold or given away, or billiard table kept contrary to law or any ordinance of said town. Closing saloons

§ 6. All prosecutions for violation of any ordinance of said town shall be commenced and completed in the same manner as is now provided by law in cases of assault and battery, except the complaint shall be in writing, and state the particular ordinance violated. Prosecutions.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the town of Clement, Clinton county, Illinois. In force March 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Clement, in the county of Clinton, and state of Illinois, be and are hereby created a body corporate and politic, by the name and style of "The Town of Clement," and by that name shall have perpetual succession, and may have a common seal, which they may alter at pleasure. Name and style.

§ 2. The boundaries of said town shall include all the land in sections twenty-two and twenty-three, in township two north, range three west of the third principal meridian, now laid out in town lots; and whenever any tract of land adjoining the incorporated town of Clement shall hereafter be laid off in town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the incorporated town of Clement. Boundaries.

Powers of corporation.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity; to purchase, receive and hold property, real and personal, for the use of the inhabitants of said town; to sell, lease, convey, or dispose of property, real and personal, and to improve and own said improvements and property, real and personal, and to do all things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL AND ELECTION.

Councilmen—
election and
duties of.

§ 1. That there shall, on the first Monday of May next, be elected five trustees, (who shall constitute the town council,) and on every first Monday of May, annually thereafter, who shall hold their offices for one year, and until their successors are duly elected and qualified; and public notice of the time and place of holding said election shall be given by the town council of said town by an advertisement published in a newspaper in said town, or by posting it up in at least three of the most public places in said town. The first notice of election to be given by Joseph W. Huey, Jacob Klein, C. S. Anderson, Henry Strang and Michael Reithman, or any three of them, shall prescribe the manner in which the election or elections for organization under the charter, shall be conducted; and the town council shall prescribe the manner in which all subsequent elections shall be conducted.

Qualifications of
membership.

§ 2. No person shall be a member of the town council unless he shall have resided six months prior to the election within the town limits, and shall be at the time a *bona fide* freeholder in said town, and twenty-one years of age, and a citizen of the United States. And the said town council shall, at their first meeting, proceed to elect one of their body president.

President.

Vacancy.

§ 3. If any member of the town council shall, during his term of office, remove from the town, his office shall thereby be vacated.

Quorum.

§ 4. A majority of the town council shall constitute a quorum to do business, and a smaller number may adjourn from day to day and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

Rules of pro-
ceedings.

§ 5. The town council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the consent of two-thirds of its members elected, expel a member.

Vacancies.

§ 6. All vacancies that shall occur in the town council, by removal, death, resignation, or otherwise, shall be filled

by appointment; said appointment to be made by the president.

§ 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his skill and ability. Oath of office.

§ 8. Whenever there shall be a tie in the election of members of the town council, the judges of election shall certify the same to the police magistrate, who shall determine the same by lot, in such manner as may be prescribed by ordinance; and in case a tie should occur at the first election held under this charter, then the judges of election shall certify the same to the nearest precinct justice, who shall determine the same by lot. Tie vote.

§ 9. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the town council, nor make any contract with said town council. Restrictions.

§ 10. The town council shall cause to be published a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. Annual statement.

§ 11. There shall be twelve stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance, and may hold adjourned meetings to attend to unfinished business. Stated meetings

§ 12. All free white male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for state officers, and who have been actual residents of said town for sixty days previous to the election then being held, shall be entitled to vote for town officers. Qualifications of voters.

ARTICLE III.

OF THE POLICE MAGISTRATE AND TOWN CONSTABLE.

§ 1. There shall be elected in the town of Clement, by the qualified voters thereof, on the first Monday in May next, and on the first Monday in May every four years thereafter, a police magistrate, who shall hold his office for four years, and until his successor shall be elected and qualified. Police magistrate.

§ 2. There shall also be elected by the qualified voters of said town, on the first Monday in May next, and on the first Monday in May every two years thereafter, a town constable, who shall hold his office for two years, and until his successors are elected and qualified. Constable.

§ 3. No person shall be elected to the office of police magistrate or town constable, who shall not have been a resident of the town for one year next preceding his elec- Eligibility election. to

tion, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

How conducted

§ 4. The election for police magistrate and town constable shall be conducted, and the returns thereof made, in the same manner as the elections and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time, and shall be conducted by the same judges, as the election for members of the town council.

Powers.

§ 5. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond, and take and subscribe the same oath of office as other justices of the peace, and shall be conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and process, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and to certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state; and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Town constable
—oath of office

§ 6. The town constable shall have the same power and authority as other precinct constables, and shall be entitled to the same fees, and placed under such bonds for the faithful performance of the duties of his office as may be prescribed by the ordinances of the incorporation hereby created.

Neglect of duty.

§ 7. In case the police magistrate shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Clinton county, and, on conviction, shall be fined not exceeding two hundred dollars.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Levying taxes.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the town limits, not exceeding one and one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

Appointment of
officers.

§ 2. The town council shall have the power to appoint a town attorney, clerk, assessor, treasurer, collector, and one or more street commissioners, and such other officers

as they may deem necessary to carry into effect the provisions of this act, and to require all officers appointed as aforesaid to give bond, with security, and also to subscribe an oath for the faithful performance of the duties of their office, before entering upon the duties thereof. Bond.

§ 3. To appropriate money, and provide for the payment of the debts and expenses of said town. Debt—expenses

§ 4. To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding one mile from the limits of said town. Health.

§ 5. To make regulations concerning the general health of the inhabitants; to declare what shall be considered a nuisance, and to prevent and remove the same.

§ 6. To open, alter, widen, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes, alleys and public roads. Alterations.

§ 7. To provide all needful and necessary buildings for the use of said town. Buildings, markets, fires, etc.

§ 8. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

§ 9. To provide for the extinguishing of fires, and to organize and establish fire companies.

§ 10. To regulate the storage of gun-powder and other combustible materials. Combustibles.

§ 11. To license, tax and regulate auctioneers, peddlers, brokers, pawn-brokers, taverns and money changers. Licenses.

§ 12. The town council shall have power to provide, by ordinance, to license, tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Disorderly houses.

§ 13. To license and regulate theatrical and other exhibitions, shows and amusements. Exhibitions—census.

§ 14. To provide for taking the enumeration of the inhabitants of said town.

§ 15. To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

§ 16. The town council shall have power to regulate the internal police of the town, to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that the right of trial shall in no case be denied to any person charged with a breach of any of the provisions of this act, or any ordinance. Fines—forfeitures.
Proviso.

§ 17. The town council shall have exclusive power within the town, by ordinance, to license, suppress all billiard tables and bowling alleys. Billiards.

Needful ordi-
nances.

§ 18. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.

Publication of.

§ 19. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of Clement.*"

Proof of.

§ 20. All ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies in three of the most public places in said town.

Jail — commit-
ments.

§ 21. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purported to be printed by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Proviso.

§ 22. The town council shall have power to build or provide, if necessary, a town jail, for the imprisonment of offenders: and may provide, by ordinance, that any person or persons convicted under any ordinance in said town, and who fails, neglects or refuses to pay the fines so assessed against him or them, may be either confined in said town jail, or made to perform labor on the streets or alleys of said town: *Provided*, that such imprisonment shall not be for a longer duration than thirty days for any one offense; no fine for any breach of any ordinance of said town shall exceed one hundred dollars, besides the costs of prosecution, including attorney's fees, to be fixed in amount by the town council.

Riots.

§ 23. The town council shall have power to suppress all riots, routs, assaults and batteries, drunkenness, breaches of the peace, quarreling, racing, open and notorious lewdness, and all other public indecency.

Abuse of ani-
mals.

§ 24. To prevent the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles, or otherwise, while standing or remaining in any street, alley or any public road in said town.

Pound.

§ 25. To establish and maintain a public pound, and appoint a pound master, and prescribe his duties.

Animals at large

§ 26. To restrain, regulate or prohibit the running at large of horses, cattle, sheep, swine and other animals, and to authorize the distraining, impounding, and sale of the same.

ARTICLE V.

OF THE PRESIDENT.

President.

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote; and in other cases of his non-attendance at any meeting, the council

shall appoint one of their number as chairman, who shall preside at that meeting.

§ 2. The president or any two members of the council may call a special meeting of the town council. Special meet-
ings.

§ 3. The president shall inspect the conduct of all subordinate officers of said town, and shall cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the council such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health and comfort of the town. Punishment.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of said town an exhibit of his books and papers. Inspection.

ARTICLE VI.

OF THE ASSESSMENT AND DELINQUENT TAXES.

§ 1. The town council shall have power, by ordinance, to provide the mode and manner of assessing the property of said town; and it shall be the duty of the town clerk to give ten days' notice, by one publication in any newspaper published in said town, or by posting up three notices, in three of the most public places in said town, that the assessment of said town has been returned to him, and on a day to be specified therein, will be acted upon by the town council, unless objections to the same are made by some person interested; objections may be heard by the town council, and the hearing may be adjourned from day to day. The town council shall have the power to alter, confirm, or annul the assessment; if annulled, all the proceedings shall be void; if altered or confirmed, an order shall be entered directing the collection thereof, as other assessments of said town are collected. Assessments.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Clement are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure laborers to work on the same. Exemption.

§ 2. The town council shall have the power, and it is hereby made their duty, when it may be necessary, for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioners of said town, Street labor.

shall forfeit and pay to said town the sum of one dollar for every day so neglected or refused.

Suits. § 3. All suits, actions, and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted and commenced and prosecuted in the name of the town of Clement.

Appeals. § 4. Appeals shall be allowed in all cases from decisions arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Clinton county; and every such appeal shall be taken in the same manner, and will have the same effect as appeals taken from justices of the peace under the laws of this state.

Security costs. § 5. The town council shall not be required in suits instituted under this act, or ordinances passed by virtue thereof, to file before the commencement of such suits, any security for costs.

Town clerk. § 6. The town council shall require their clerk, and it shall be his duty to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book provided for that purpose; and such book, purporting to be the records of the corporation of the town of Clement, shall be received in all courts without further proof, as evidence of all such matters therein contained.

Dogs. § 7. The town council shall have power to prevent and regulate the running at large of dogs, and authorizing the destruction of the same, when at large contrary to any ordinance.

Fines, etc. § 8. All fines, forfeitures and penalties, received or collected for the breach of any ordinance under this act, shall be paid into the treasury of said corporation by the officer or person receiving the same.

Vacancy. § 9. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

R.R. companies. § 10. The town council shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the town council shall deem it necessary.

Validity of act. § 11. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof.

Invalidation. § 12. Any failure to hold the first election under this act, at the specified time, shall not work a forfeiture thereof, but the said election may be held at any day thereafter by giving the proper notice of ten days.

This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to vacate the public square in Post's addition to the town of Waynesville, in DeWitt county, and for other purposes. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much Vacated.
of the town plat of the town of Waynesville, in the county of DeWitt, known and recorded as the public square in Post's addition to the town of Waynesville, be and the same is hereby vacated.

§ 2. The title to said public square shall be vested in Title.
the school directors of school district number one, (1,) town twenty-one, (21,) range one (1) east, and their successors in office.

§ 3. This act is hereby declared to be a public act, to take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to amend the charter of Freeburg, in St. Clair county.

In force March 4, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Freeburg, in the county of St. Clair and state of Illinois, be and are hereby constituted a body corporate and politic, by the name and style of "The Town of Freeburg," and by that name shall have perpetual succession, and may have and use a common seal, which they may alter and change at pleasure. Name and style.

§ 2. The boundary of the said town of Freeburg shall Boundaries.
be as follows: Beginning at the north-east corner of the west half of the south-west quarter of section (20), running west three-quarters of a mile, thence in a southern direction three-quarters of a mile, thence east three-quarters of a mile, thence north three-quarters of a mile to the place of beginning; the aforesaid boundaries including three-quarters of a mile square; and whenever any tract of land adjoining said town is laid off into lots and recorded, such tract shall be attached to and form a part of said town.

§ 3. The inhabitants of said town, by the name and Powers.
style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity; to purchase, receive and hold property, real and personal, beyond the town limits, for burial grounds and for other public purposes, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real and personal, for the benefit of the

town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Trustees.

§ 4. There shall be a board of trustees, consisting of a president and four trustees, to be chosen by the qualified voters, who shall hold their offices for the term of one year.

Qualified trustees.

§ 5. No person shall be a member of the board unless he shall have resided six months prior to the election within the town limits, and shall be at the time a *bona fide* freeholder in said town, and twenty-one years of age, and a citizen of the United States; and if after his election he shall cease to be a freeholder, his office shall thereby be vacated.

Quorum.

§ 6. A majority of said board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Oath of office.

§ 7. The president and each member of the board, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities.

Stated meetings

§ 8. There shall be twelve stated meetings of the board in each year, at such times and places as may be prescribed by ordinance, and may hold adjourned meetings to attend to unfinished business.

Elections.

§ 9. On the first Monday in April next, and on the first Monday in April annually thereafter, an election shall be held for an election of a president and board of trustees; and if there should be a tie in any election, by two persons receiving the same number of votes, thereby causing no election to be had, the persons thus voted for shall decide the same by casting lots, in such manner as may be provided for by ordinance.

Qualified voters

§ 10. All male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for state officers, and who have been actual residents of said town for thirty days previous to the election then being held, shall be entitled to vote for town officers.

Taxes.

§ 11. The board of trustees shall have power and authority to levy and collect taxes upon all property, real and personal, within the town limits, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

Officers.

§ 12. The board of trustees shall have power to appoint a town constable, treasurer, and such other officers as are necessary to carry into effect the provisions of this act, and to require of all officers thus appointed, bonds, with penalty and security, for the faithful performance of their respective

duties, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of their duties, before entering upon the discharge of the same.

§ 13. To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws and regulations, and enforce the same; to provide for the expenses of the town; to make regulations to secure general health of the inhabitants; to declare what shall be considered a nuisance, and to prevent and remove the same; to dig wells and erect pumps in the streets for the extinguishment of fires and convenience of its inhabitants; to open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes, alleys and sidewalks; to provide all needful buildings for the use of the town.

§ 14. To license, tax and regulate auctioneers, peddlers, brokers, pawn-brokers, taverns and money-changers, and to provide for collecting same.

§ 15. The board shall have power to provide by ordinance to license, tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses; to license and regulate theatrical and other exhibitions, shows and amusements; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the fixing of chimneys, and the flues thereof, and stove-pipes; to regulate the storage of gunpowder and other combustible materials; to provide for the enumeration of the inhabitants of the town; to regulate the election of town officers, and provide for removing from office any person holding an office created by ordinance; to fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

§ 16. The board of trustees shall have power, by ordinance, to regulate the internal police of the town; to declare what shall be considered misdemeanors, and to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. They shall have exclusive power, within the town, by ordinance, to license, regulate, suppress and restrain billiard tables, and from one to twenty (20) pin alleys, and every other description of gaming or gambling.

§ 17. The board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, and shall have power to build or provide, if necessary, a town jail, for the imprisonment of offenders, and may provide, by ordinance, that any person or persons who have been convicted under any ordinance of said town, and who fails, neglects or refuses to pay the fine so assessed against him or them,

Oath of office.

Diseases.

Expenses.

Nuisances.

Wells.

Street improvements.

Auctioneers, etc.

Miscellaneous provisions.

Fines, etc.

Necessary ordinances.

may be either confined in said town jail or made to perform labor on the streets or alleys.

Riots, etc.

§ 18. The president or board of trustees shall have power to suppress all riots, affrays, assaults, assaults and batteries, drunkenness, quarreling, open and notorious lewdness, and all other public indecency; and any prosecution or conviction, for any offense under the laws of this state, shall not bar prosecutions for fines and penalties or forfeitures for the breach of any ordinance.

Inhabitants to aid in enforcing laws—militia.

§ 19. The president and board of trustees are hereby made conservators of the peace, and they are empowered to call on any male citizen of said town, over the age of eighteen years, to aid them in enforcing the laws and ordinances, and in case of a riot to call out the militia to aid them in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said town a fine not exceeding twenty dollars.

Police magistrate.

§ 20. On the first Monday in April, next, there shall be elected, in addition to the officers whose election is provided for by this act, one police magistrate, to be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, A. D. 1854, and all the provisions of said act are hereby declared applicable to this act.

Street labor

§ 21. The board of trustees shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, by ordinance, to require all male inhabitants in said town, over the age of twenty-one years and under fifty, to either labor on said streets, lanes, avenues or alleys not exceeding three days in each and every year, or pay one dollar per day in lieu of said labor, as the board may, by ordinance, require; and the inhabitants of said town of Freeburg are hereby exempted from working on any road beyond the town limits, and from paying any tax to procure laborers on the same.

Liquor traffic.

§ 22. The board of trustees shall, in all cases, when they grant license to any person or persons for the sale of intoxicating liquors of any kind, take a bond, with penalty and good and sufficient security, from the individual or individuals thus obtaining said license, conditioned that the house or place where such liquors are sold shall be kept orderly and free from disturbing any person or persons, by allowing fighting, quarreling or loud and boisterous talking about the aforesaid premises; and in case of a violation of the said conditions, the person or persons so offending shall be prosecuted upon the said bond, and, upon conviction, shall forfeit his, her or their said license; and said judgment shall be rendered for the full amount of said bond and costs of prosecution, in favor of said town.

§ 23. The style of all ordinances of the town shall be, *Ordinances.*
“Be it ordained by the President and Board of Trustees of
the Town of Freeburg.”

§ 24. All ordinances passed by the board of trustees *Publication of.*
 shall, within ten days after they are passed, be published,
 by copies, with the town seal attached thereto, being posted
 up in three of the most public places in said town, and may
 become a law immediately after such notice, and not before.

§ 25. All ordinances of the town may be *Proof of.*
 proven by the seal of the corporation, and when published by authority of
 the corporation the same shall be received in evidence in
 all courts and places, without further proof.

§ 26. The president shall preside at all meetings of the *President.*
 board, and shall have the casting vote and no other. In
 case of the non-attendance of the president, the board shall
 appoint one of their number chairman, who shall preside at
 that meeting.

§ 27. Appeals shall be allowed from the decision, in all *Appeals.*
 cases arising under the provisions of this act or any ordi-
 nance passed in pursuance thereof, to the circuit court of
 St. Clair county, and every such appeal shall be taken and
 granted in the same manner and like effect as appeals are
 taken from and granted by justices of the peace to the cir-
 cuit court, under the laws of this state.

§ 28. All fines and forfeitures collected for penalties in- *Disposition of*
 curred within the incorporated limits of the town, shall be *finer, etc.*
 paid over to the town treasurer by the officers collecting
 the same.

§ 29. All writs for the recovery of penalties for the *Writs and ac-*
 breach of any ordinance of said town shall be in the form of *tions of debt.*
 an action of debt, before the police magistrate, or, in case of
 his absence or inability to act, before some other justice of
 the peace in said town; and the said corporation shall be
 allowed to appeal, in any case in which they are parties, by
 causing the secretary to execute a bond, in the name of said
 corporation, in the form now prescribed by law in other
 cases, without other security; and an order entered upon
 the records of said corporation, directing said appeal, shall
 be sufficient evidence of the authority of said secretary to
 sign said bond.

§ 30. The town constable, appointed under the provi- *Processes.*
 sions of this act, shall have power and authority to execute
 all process issued for the breach of any ordinance of said
 town, and for that purpose his power and authority shall
 extend over the county of St. Clair, and shall have the same
 power, jurisdiction and authority, within the limits of said
 town, as other constables, under the laws of this state, and
 shall give bond and qualify as the said board shall, by ordi-
 nance, prescribe.

Officers' acts valid. § 31. All the acts of the officers of the said incorporation heretofore done, in pursuance of said corporation, are hereby declared valid.

§ 32. This act to take effect from and after its passage.

APPROVED March 4, 1867.

In force March 8, 1867. AN ACT to extend the corporate powers of the town of Chatsworth.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Chatsworth, in the county of Livingston, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Chatsworth," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style

Boundaries. § 2. The boundaries of said town shall include within their limits the west half of section three, (3,) the west half of the east half of section three, (3,) and the east half of the east half of section four, (4,)—all being in township twenty-six (26) north, range eight (8) east of the third principal meridian.

Additions. § 3. Whenever any tract of land adjoining the town of Chatsworth shall be laid off into town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Chatsworth.

Powers of incorporation. § 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds, and for other purposes, for the use of the inhabitants of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town; and to do all other things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL.

Town council. § 1. There shall be a town council, to consist of a president and five trustees, to be chosen annually, on the first Monday in May, by the qualified voters of said town.

Vacancy. § 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections. Qualifications.

§ 4. A majority of the town council shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member. Rules.

§ 6. The town council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Journal.

§ 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint. Vacancies filled

§ 8. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath, or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

§ 9. Whenever there shall be a tie in the election of the members of the town council, the judges of the election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as shall be prescribed by ordinance. Tie vote.

§ 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance. Meetings.

ARTICLE III.

ELECTIONS.

§ 1. On the first Monday in May next, an election shall be held in said town for the president and five members of the town council, and forever thereafter, on the first Monday in May in each year, there shall be an election held for said officers. The first election shall be held, conducted, and returns thereof made, as may be provided by ordinance, by the present president and trustees of the town of Chatsworth, and all succeeding elections, as may be provided by ordinance of the town council by this act created. Elections.

§ 2. All persons who may be entitled to vote for state officers, and who shall have been actual residents of said town for sixty days immediately preceding said elections, shall be entitled to vote for said officers. Qualified voters

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Taxes.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of officers.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, commissioner of streets, and such other officers as may be necessary, and to require all officers appointed in pursuance of this charter to [give] bonds, with such penalties and security for the faithful performance of their duties, as may be deemed expedient; and also to require all officers, appointed as aforesaid, before entering upon the discharge of their respective official duties, to take an oath in the same manner provided in section 8 of article 2 of this act.

Appropriations.

§ 3. To appropriate money and provide for the payment of the debts and expenses of the town.

Sanitary.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town, and enforce the same within five miles thereof.

§ 5. To establish hospitals, and make regulations for the government of the same.

§ 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

Water.

§ 7. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Alterations of streets.

§ 8. To lay out, open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair public squares, streets, avenues, lanes and alleys, and to establish a building line thereon.

Bridges.

§ 9. To establish, erect and keep in repair bridges.

Gas.

§ 10. To provide for lighting the streets, and erecting lamp posts.

Police.

§ 11. To establish, support and regulate night watchmen.

Markets.

§ 12. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

Buildings.

§ 13. To provide for the erection of all needful buildings for the use of the town.

Public grounds.

§ 14. To provide for the inclosing, improving and regulating all public grounds belonging to the town.

§ 15. To license, tax and regulate auctioneers, merchants, retailers, taverns or ordinaries, hawkers and peddlers: *Provided*, that no fees shall be charged for any such license or other tax imposed on account of such occupation, where the person having or receiving the same is a resident of said town, and assessed therein. Licenses . Merchants, etc.

§ 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and to fix the rates to be charged for the carriage of persons, and for the wagonage, cartage or drayage of property. Vehicles.

§ 17. To license and regulate porters, and fix the rate of portorage. Porters.

§ 18. To license, tax, regulate and suppress theatrical and other shows and amusements. Exhibitions, etc

§ 19. To tax, restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly houses within said town, and within one mile thereof; but not to license any house or place for the sale of intoxicating drinks as a beverage. Disorderly houses.

§ 20. To prevent the encumbering of the streets, squares and alleys of said town; to plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep and other animals, and provide for distraining and impounding the same, and to provide for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance; and to prevent the firing of squibs, rockets, guns, or other combustibles or fire-arms, within the limits of said town. Street obstructions Animals at large

§ 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 22. To regulate the fixing of chimneys and the flues thereof.

§ 23. To regulate the storage of gun-powder, tar, pitch, rosin, spirits, wine, and other combustible materials, and also ashes. Combustibles.

§ 24. To regulate and order parapet walls and partition fences. Fences, lumber and hay.

§ 25. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 26. To provide for the inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, fire-wood, and other fuel to be sold or used in said town.

§ 27. To regulate the inspection of lard, butter and other provisions. Provisions.

- Census. § 28. To provide for taking the enumerations of the inhabitants of the town.
- Elections. § 29. To regulate the election of town officers, and provide for removing from office any person holding an office created by this act.
- Compensation. § 30. To fix the compensation of all town officers, and regulate the fees of jurors and witnesses, and others, for services rendered under this act or any ordinance.
- Recovery of penalties, etc. § 31. To regulate the police of the town; to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the recovery and appropriations of such fines and forfeitures, and the enforcement of such penalties.
- Gambling. § 32. To suppress, restrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races, and other means of gambling, within said town, and within three miles thereof.
- Needful ordinances. ordi- § 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.
- § 34. The style of the ordinances shall be, "*Be it enacted by the Town of Chatsworth.*"
- § 35. All ordinances passed by the town council shall, within one month after they shall have been passed, be published in some newspaper published in the town, or posted up in three public places in said town, and shall not be in force until they have been published or posted as aforesaid, and the certificate of the clerk of said town, or a certified copy of said certificate shall be held in all courts and places sufficient evidence of such publication.
- § 36. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE V.

OF THE PRESIDENT.

- President. § 1. The president shall preside at all meetings of the town council, and shall have a casting vote and no other. And in case of his absence at any meeting, the council shall appoint one of their members chairman, *pro tem*.
- Special meetings. § 2. The president or any two members of the council may call special meetings of the town council.
- Duties of president. § 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive vio-

lation of duty to be prosecuted and punished. He shall, from time to time, communicate to the council such information, and recommend such measures as, in his opinion, may tend to the improvement of the finances, police, health, security and ornament of the town.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof, or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

ARTICLE VI.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. Whenever it shall be necessary to take the property of any person, corporation, or body politic, for the purpose of altering, widening, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make a just compensation to the owners of such property, and shall pay or tender the same before taking such property; and in case the amount of such compensation can not be agreed upon, the police magistrate of said town shall cause the same to be ascertained by a jury of three disinterested free-holders of the town, in such manner as the council, by ordinance, shall direct.

Condemning
lands.

Compensation.

§ 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered shall petition therefor, the town council shall provide for the laying out, opening or altering the same, but no compensation shall, in such case, be allowed for such property so taken.

Petition.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading, or otherwise improving any public square, street or alley, or any other improvement in this article named, except sidewalks and private drains, shall first be sworn to that effect, and shall return to the police magistrate their inquest or assessment, in writing, signed by such jurors, or a majority of them: *Provided, always,* that in such assessment the jury shall take into consideration the benefits as well as injury happening to the owners of property taken for or affected by any such improvement.

Jurors' duties.

Provis .

§ 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway,

Changes in lots.

to be graded, paved, macadamized, planked, or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; or to cause cross and sidewalks, main drains, and sewers, and private drains and aqueducts to be constructed and laid, relaid, cleansed, and repaired, and to regulate the same; and to lay out public squares, and to grade, improve, protect, and ornament any public square, street or alley, now or hereafter laid out.

Expenses.

§ 5. The expenses of any improvement mentioned in this article, except sidewalks and private drains, may be assessed upon the real estate in any natural division affected thereby, with the costs of proceedings therein, in proportion as nearly as may be to the benefits resulting there-to, in such manner as the town council may, by ordinance, direct.

Voting on public improvement.

§ 7. Whenever the inhabitants of said town, in special town meeting, assembled upon the call of said council, or of ten legal voters of the same, shall, by a majority present, vote in favor of any public improvement therein, and of appropriating therefor any sum not exceeding in any one year one-fourth of one per centum of all the taxable property of said town; the council shall be authorized to levy a special tax therefor, not exceeding the sum so voted upon all the taxable property of said town, and collect, hold and expend the same in such manner as the council may direct.

Special tax.

Owners to pay.

§ 8. All owners or occupants upon whose premises the town council shall order and direct private drains to be constructed, repaired, relaid or cleansed, shall make repairs, relay, or cleanse such private drains at their own costs and charges, in the manner and within the time prescribed by ordinance or otherwise; and upon their failure so to do, the council may cause the same to be done, and assess the expenses thereof upon the lots respectively, and collect the same as the other assessments and taxes. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses as for money paid to his use at his request.

Taxes.

§ 9. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation, and taxes may be levied and collected upon the same for the use and benefit of said town, in such time and manner as the council shall by ordinance provide.

Assessments.

§ 10. The town council may, by ordinance, direct that the assessments of the township assessor of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the corporation shall certify to the clerk of the county court, all persons and property taxable therein, with the taxes and assessments levied thereon, in which case they shall by the county clerk be entered on the tax books of the county, and be collected

with the county and state taxes; and the same fees shall be paid by said town for actual services herein as may be provided by the revenue laws of the state for similar services.

ARTICLE VII.

§ 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets and alleys and public squares not exceeding three days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar and fifty cents to said town for each day so neglected or refused. Road labor.

§ 2. The inhabitants of the town of Chatsworth are hereby exempted from working on any road beyond the limits of said town. Exemption.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by fines or forfeitures, and in all cases where such offenders shall fail or refuse to pay such fines, forfeitures, and costs, which may be recorded or adjudged against them, and it shall be competent for the magistrate or other court before whom the same shall be tried, to direct that such offenders shall be committed to the county jail until such fines, forfeitures and costs shall be paid or otherwise discharged by due process of law. Punishments.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended. Annual state-
ment.

§ 5. All ordinances and resolutions passed by the present president and trustees of the town of Chatsworth, shall remain in full force until the same shall have been repealed by the town council hereby created, and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified. Prior ordinances

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Chatsworth. Actions.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Chatsworth, shall be vested in and prosecuted by the corporation hereby created. Fines.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Chatsworth, for the use of the inhabitants of said town, shall be and the Town property.

same is hereby declared to be vested in the corporation hereby created.

Invalidation.

§ 9. This charter shall not invalidate any acts done or to be done by the president and trustees of the town of Chatsworth, nor divest them of any rights which have accrued to them prior to the passage of this act.

Appeals.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the county or circuit court of Livingston county; and every such appeal shall be taken and granted in the same manner as appeals are taken and granted by justices of the peace to the circuit courts under the laws of this state; and all such appeals shall be taken and the bond filed with the police magistrate or justice of the peace within five days from such trial: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond in the name of the corporation in the form now prescribed by law in other cases, without other security, and an order entered upon the records of said corporation directing such appeal or approving the same, shall be sufficient evidence of authority to sign said bond.

Proviso.

Publication of this act.

§ 11. The president and trustees of the town of Chatsworth shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof.

Writs.

§ 13. The town marshal or constable, or any other officer authorized to execute writs or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Livingston, and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases.

Elections.

§ 14. The town council may at any time hereafter provide by ordinance for future elections by the inhabitants of said town, of such officers as they may deem advisable to have so elected.

Fines paid.

§ 15. All fines and penalties recoverable by indictment, or actions for any offenses committed within the limits of said town, and which are now required by law to be paid into the county treasury or to the school commissioner of said county, shall hereafter be paid into the town treasury for the use of said town.

Restractions.

§ 16. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Chatsworth, to sell, traffic, exchange, barter, or give away any strong beer, ale, porter, sugar

beer, wine, rum, gin, brandy, whisky, or intoxicating liquors, drinks, or beverages of any kind whatever, including Hostetter's stomach bitters, Plantation bitters, Roback bitters, Red Jacket bitters, Swain's Bourbon bitters, or any other bitters, of whatever name or kind, containing intoxicating liquors, and no person shall be permitted to bring into the town, or keep about his, her or their premises, saloon, cellar, dwelling house, out-houses, or in 'any other place in said town, or within one mile thereof, any of the above named drinks, liquors, or intoxicating beverages, for the purpose of trafficking therein in any way whatever: *Provided*, the town council may grant license to two discreet persons, and no more, in said town, to sell wine or other spirituous liquors for mechanical, medicinal and sacramental purposes only, and the said council shall have power at any regular meeting to revoke said license.

Liquors.

Proviso.

§ 17. Any persons violating any of the provisions of this section of this charter, shall forfeit and pay into the treasury of the corporation for the use of the inhabitants of said town, not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by an action of debt before any police magistrate or other justice of the peace in said town; and in case any offender shall fail or refuse to pay such fine or fines and costs as may be adjudged or assessed against him, her, or them, by the said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail until said fine and costs are paid or otherwise discharged by due process of law.

Penalties.

§ 18. This act to be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Anna," approved February 16, 1865. In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in addition to the powers already vested in the president and trustees of the town of Anna, by virtue of the above entitled act, the said trustees shall have power to divide, by ordinance, said town of Anna into wards and specify the boundaries thereof; to provide for the election of an alderman in each ward, by the qualified voters of the same, and of one mayor of the town, by the legal voters of said town. The mayor and aldermen, when elected as aforesaid, shall qualify in the same manner and possess the same rights, power and authority, and be subject to the same duties, responsi-

Additional powers of president and trustees.

bilities and liabilities as are or shall be possessed or imposed, respectively, upon the president and trustees of said town; and the offices of president and trustees of the town of Anna shall thenceforth be void and of no effect: *Provided*, that a majority of votes cast at an election, called by the board of trustees, to test the will of the people as to the propriety of such division, shall be in favor of such division.

Enlargement of
boundaries.

§ 2. The board of trustees shall have power to enlarge the boundaries of the town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town, and all legal voters residing within such proposed enlargement, and shall have been authorized, by a majority of such persons voting at said election, to make such enlargement.

Streets and al-
leys vacated.

§ 3. The board of trustees shall, in no case, have power to vacate any street, highway, road, alley or lane within the limits of said town, unless, after giving ten days' public notice thereof, such vacation shall be by a vote of two-thirds of all the trustees elected.

Census — abuse
of animals, etc.

§ 4. They shall have power to provide for taking the enumeration of the inhabitants of said town; to compel persons or owners to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing on the streets or alleys; to punish and prohibit the abuse of animals, and to enforce, by ordinance, all the provisions of this act.

Police magis-
trate.

§ 5. The police magistrate of said town of Anna shall have jurisdiction in all cases whatsoever wherein the amount sought to be recovered does not exceed one hundred dollars.

Election of.

§ 6. On the second Monday in August, in the year 1867, and every four years thereafter, there shall be elected a police magistrate of said town of Anna, who shall be, *ex-officio*, a justice of the peace for the county of Union. He shall qualify in the same manner and be subject to the same penalties that are provided, by the general laws of this state, for other justices of the peace. He shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Union might have and exercise in similar cases: *Provided*, that all official bonds required to be given under this act shall be made payable to the president and trustees of the town of Anna, and the jurisdiction of said police magistrate shall be as provided for in section five of this act.

Office tenure.

Proviso.

Original juris-
diction.

§ 7. Said police magistrate shall be a conservator of the peace for the said town of Anna, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws or ordinances of

said town or this act, and shall, in such cases, possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty (20) days from the occurring of any such vacancy, call an election to fill the same, and the person so elected shall hold his office until his successor shall be elected and qualified.

Vacancy.

§ 8. He shall, in all cases, be entitled to the same fees and emoluments that are, by laws of this state, allowed to other justices of the peace for similar services. In case of the absence of said police magistrate, or of his inability, any other justice of the peace of said county of Union, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the police magistrate possesses in like cases. The rule of practice and proceeding, in all cases arising out of the laws and ordinances of said town, shall conform to the practice and proceeding before other justices of the peace, except cases where such rules of practice and proceeding shall be changed or modified by the laws, ordinances or charter of said town—in which case the rule of practice and proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Fees, etc.

Absence, etc.

Rules of practice and proceedings.

§ 9. In all cases, arising under any ordinances of said town or under this act, changes of venue and appeal shall, when applied for, be allowed to the circuit court of said county of Union in the same manner as is provided in all other cases before justices of the peace: *Provided*, that in all cases, arising out of any ordinance of said town or under this act, if either party wishes to appeal, he or they shall give notice, in writing, thereof to the justice of the peace before whom the case was tried on the day of the trial thereof, and shall file the necessary appeal bond with such justice of the peace within five (5) days from the day of trial.

Appeals.

Provided.

§ 10. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrates of said town, or any other justice of the peace of said county of Union. He shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to like fees for his services, and shall, in all cases of nonfeasance and misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables, in like cases.

Constable.

Duties of.

§ 11. In all cases arising under the laws or ordinances of said town, any constable of the county of Union shall have the same power, right and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the said constable of the said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or shall see unlawful assemblages of any kind within said town, it shall be his duty to make immediate arrests of such person or persons on view, without warrant; and in all such cases any constable of the county of Union shall have the same power of arresting without warrant as the said town constable in said cases would possess, and in all such cases in arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein in all respects the same as if such person or persons had been arrested and brought before him under warrant duly issued: *Provided*, said town constable or other constable of the county making arrest as aforesaid, shall have the right, power and authority to detain if necessary, any person or persons so arrested, in custody over night or the sabbath, in the town jail, watch house or county jail, or other safe place, or until such person or persons can be brought before the police magistrate or a justice of the peace having an office in said town.

proviso.

Prosecutions.

§ 12. All prosecutions under the laws and ordinances of said town of Anna for assault, assault and battery, affrays, riot, rout, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, lawful assemblages of any kind, and in cases in which the penalty attached by the laws or ordinances of said town is imprisonment in the jail of the town or county, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant in the same manner prescribed by the laws of the state for the regulation of criminal proceedings in justices' courts, and in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases for justices' courts, by the laws of this state, except where the laws and ordinances of said town prescribe new rules or different rules of practice or proceedings, in which case the rules of practice or

proceeding shall conform to the rules prescribed by the laws or ordinances of said town.

§ 13. In all other cases for violating the laws or ordinances of said town, the penalty or penalties therefor shall be recovered by action of debt in the name of the president and trustees of the town of Anna, and in all such actions of debt the first process shall be by summons to be issued, served and returned as other summons and actions of debt issued by justices of the peace of said county of Union, unless some competent person shall before the commencement of such action of debt file with the justice of the peace before whom such suit is about to be commenced, an affidavit accusing the person or persons about to be sued with some one or more violations of the same nature, of the laws or ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial there is danger that the penalty or penalties in such cases shall be lost, and specifying the facts on which such belief is founded, in which case if the police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinions set forth in such affidavit are correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him, he shall proceed at once to the trial of such suit, which shall be by action of debt for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid, and if said defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, the police magistrate or justice of the peace before whom such suit is tried, shall enter judgment thereon for the amount of the fine assessed and cost of suit as in other cases.

Recovery of penalties.

§ 14. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars.

Actions of debt for offenses committed.

§ 15. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees or any other officers of said town shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town.

§ 16. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate

Judgments.

or other justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of Illinois. But if the constable having such execution shall return thereon that he can not find sufficient property of defendant or defendants, not exempt from execution, to satisfy such execution, then the said justice shall issue a *capias* against the body or bodies of defendant or defendants, and the constable shall arrest such person or persons, and convey him, them or her to the jail of the town or county, there to remain forty-eight hours, and if the said fine and costs exceed the sum of five dollars, there to remain in said jail twenty-four hours for every two dollars over and above the said five dollars: *Provided*, that the said police magistrate or justice of the peace shall have the power and authority to commute at his discretion at the rate of one dollar per day, on the day of trial, said imprisonment to labor on streets and alleys of said town: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the said county of Union, to have the same levied upon real property, and shall signify the same to such justice, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgments rendered in said circuit court in all civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act or any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond, within the time required, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such judgment.

Taking private
property for
public use.

§ 17. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking private property for any public use, and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall

first be sworn to that effect; they shall then proceed to examine the property in question, and after carefully considering both the advantages and disadvantages, that will probably accrue to the owner or owners thereof by such taking, and the proposed use of such property, they shall, within ten days make out and return their verdict, in writing, and signed by each of said jurors, to the police magistrate of said town, assigning to such owner or owners such damages as they think just; said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their clerk or attorney and owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may, at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict, and grant new inquest of damages; if either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Union. When any such verdict not exceeding the sum of one hundred dollars, shall be filed with the police magistrate, and entered on his docket, unless set aside or appealed from, it shall be a judgment against the president and trustees of the town of Anna, in favor of such owner included therein, for the amount of damages thereby assessed to him; and in case the sum assessed to any owner, exceeding one hundred dollars, the said police magistrate shall, on application of the person entitled thereto certify to the clerk of the circuit court of Union county a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court in the same manner as other transcripts from justices dockets, and shall, from the time of such filing, have all the force and effect in favor of the person or persons entitled to such damages, as a judgment obtained in said circuit court.

§ 18. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town, or any justice of the peace of the county of Union, the court shall, for good cause shown, have power to set aside the verdict of the jury, and grant a new trial of the case: *Provided*, that the application for setting aside the verdict shall be made when such verdict is returned into court. New trials.

§ 19. The board of trustees may, in their discretion, tax the real estate adjoining which any sidewalk or pavement shall be ordered to be constructed or repaired, the whole expense of constructing or repairing the same. They shall have power to build a town jail or calaboose, and provide by ordinance for the punishment of any offender or offenders by imprisonment therein. Sidewalks, etc.

§ 20. The board of trustees shall have power to erect market houses, to establish markets in market places, and Markets, etc.

provide for the government and regulation thereof; to direct and regulate the planting of shade trees in or along the streets of the town.

Watch house. § 21. To build or provide a watch house or town jail; to prevent horse racing and immoderate riding.

Animals at large § 22. To restrain cattle, hogs, sheep and dogs from running at large.

Indebtedness. § 23. To borrow money on the credit of the town, at an interest not exceeding ten per cent. upon a vote of the qualified voters of the town, by ballot, for which purpose a special election shall be called, by the president giving ten days' notice; and if a majority of the legal voters are in favor of such loan, it may be made, not otherwise.

Trustees, contracts, etc. § 24. No trustee of the town, while serving as such, and for one year after his term of service has expired, shall be engaged or interested in any contract with said corporation, and any trustee violating this provision shall, on conviction thereof, be fined not less than ten nor more than one hundred dollars for each offense.

§ 25. The board of trustees shall cause to be published annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Meetings. § 26. There shall be at least one regular meeting of the board of trustees in each month, at such time and place as shall be prescribed by ordinance or resolution. The president or two trustees may call special meetings of the board of trustees.

Special meetings. § 27. All ordinances of the town may be proven by the seal of the corporation, and when printed or published by the authority of the corporation, in book, pamphlet or any other form, the same shall be received in evidence in all courts and places without further proof.

Proof of ordinances. § 28. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

Evidence of. § 29. All sections or parts of sections of an act entitled "An act to incorporate the town of Anna," approved February 16, 1865, in conflict with the foregoing amendments are hereby repealed.

Sections repealed. § 30. This act shall be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to incorporate the town of Louisville.

In force March
1, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Louisville, in Clay county, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Louisville," and by that name and style to have perpetual succession, and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, and improve and protect such property, and do all things thereto as natural persons. Powers.

§ 3. That said incorporation shall include all of the south-west quarter of section twenty-three, in town four north, of range six east of the third principal meridian; also, the south half of the north-west quarter of said section, and all that part of the south-east [quarter] of said section which is situated west of the Little Wabash river. Boundaries.

§ 4. On the first Tuesday of April of each year, the inhabitants of said town shall elect four trustees, and one president of the board of trustees, one clerk of said board, and one treasurer, and one justice of the peace, to be styled the police justice, and one constable, who shall hold their offices one year, and until their successors are elected and qualified, except the justice of the peace and constable, who shall, after the next quadrennial [election] of justices of the peace, hold their offices for four years; which said justice of the peace and constable shall qualify in the same manner, and have the same jurisdiction, and be subject to the same liabilities, as other justices of the peace and constables. Election of officers.

§ 5. The president of the board of trustees of said town shall be, *ex officio*, a member of the board of supervisors of said Clay county, and shall have the same powers as any other supervisor of said county or member of said board, and receive the same compensation for the same services. President.

§ 6. That Peter Green, L. S. Hopkins and H. R. Neff, for any two of them, shall be judges of the first election under this act, after which the president of the board of trustees, the clerk and treasurer of said board, shall be the judges of the election. Said election shall be conducted in accordance with the laws of this state pertaining to elections. Ten days' notice of the time and place of holding Elections.

any election of trustees shall be given by the judges of the election, by advertisement in any weekly newspaper published in said town, or by posting notices in three of the most public places in said town.

Qualifications of president.

§ 7. No person shall be elected president of the board of trustees of said town, or trustee thereof, who shall not have been, for one year previous to said election, a resident and *bona fide* freeholder within the corporate limits of said town—which residence shall not be for the purpose of education, or for any other temporary object—and who shall not be a qualified voter at all elections for state and county officers.

Duties and powers of trustees.

§ 8. The trustees shall be the judges of the elections, qualifications and returns of the president, and of their own members, and of the clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide; and punish the members for disorderly conduct, and, by vote of three-fourths of the whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancies in the board of trustees, president, clerk or treasurer, as may be occasioned by death, resignation, removal, or continued absence from the town for over three months: *Provided*, they shall not appoint any one of their own number to any of said offices; and the president shall in no case have a vote, except in case of a tie.

Street labor.

§ 9. The president and trustees shall have power—
First.—To cause all the streets, alleys and public roads, except county bridges, within the limits of said town, to be kept in good repair; and, to that end, may require every able-bodied male resident of said town, over the age of twenty-one and under the age of fifty years, to labor on the same not exceeding three days in each and every year, and, if the said labor be insufficient for that purpose, to appropriate as much of the general funds of said corporation as they may deem necessary for that purpose.

Street improvements.

Second.—To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lanes, alley or public road within the limits of said town.

Taxes.

Third.—To make, construct, improve and keep in repair sidewalks or pavements. All taxes ordered by the trustees shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate cities and towns," approved February 10, 1849, for the collection of corporate taxes.

Fourth.—To levy and collect taxes upon all property, both real and personal, within the limits of said corpora-

tion, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; but until they provide by an ordinance for enforcing the payment thereof, the said property shall be assessed, and the tax collected, in the manner provided by the last section of the act last mentioned; and the clerk of the board shall certify to the county clerk, ten days previous to the annual meeting of the board of supervisors, the rate of all taxes levied by said board.

Fifth.—To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining and impounding and sale of the same, and to prohibit the indecent exhibition of any horse or other animal. Animals at large

Sixth.—To prevent the running at large of dogs, and to authorize the destruction of the same when running at large contrary to any ordinance.

Seventh.—To prevent the immoderate riding or driving of any horse or horses or other animals within the limits of said town; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, while attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground within the limits of said town. Abuse of animals.

Eighth.—To establish and maintain a public pound, and appoint a pound master, and prescribe his duties. Pound.

Ninth.—To prohibit and restrain all descriptions of gambling and fraudulent devices, and suppress and prohibit billiard tables, nine-pin alleys, and other gambling establishments: *Provided*, they may have power to license billiard tables, nine-pin alleys, and other places of exercises and amusements. Gambling.

Tenth.—To suppress and prohibit disorderly houses, grogeries or houses of ill-fame. Disorderly houses.

Eleventh.—To license, suppress and prohibit all exhibitions of common showmen of every kind, caravans, circuses, exhibitions and amusements, and auctions. Exhibitions.

Twelfth.—To prevent, prohibit and suppress any riot, affray, disturbance or disorderly assemblage, assaults and batteries, or shooting within the limits of said town. Riots, affrays, etc.

Thirteenth.—To make regulations to prevent the introduction of contagious diseases into the town and to execute the same, for any distance not exceeding two miles from the limits thereof. Sanitary.

Fourteenth.—To abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be deemed a nuisance in said town or for any distance not exceeding two miles from the limits thereof, and authorize and direct the temporary abatement of the same.

- Fifteenth.*—To regulate the storage of gunpowder and other combustible materials.
- Fires, etc. *Sixteenth.*—To provide for the prevention and extinguishment of fires and to organize fire companies.
- Water. *Seventeenth.*—To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.
- Public grounds. *Eighteenth.*—To provide for the inclosing, improving and regulating of all public ground and all other ground belonging to said town.
- Buildings. *Nineteenth.*—To provide for the erection of all needful buildings for the use of said town.
- General health. *Twentieth.*—To make all needful regulations to secure the health of the inhabitants thereof.
- Liquor traffic. *Twenty-first.*—To license, regulate and prohibit the selling, bartering, exchanging and trafficking in wine, rum, gin, brandy, whisky, ale or strong beer, or any other intoxicating liquors, within the limits of said town, and to prevent the giving away the same by any trader, dealer, shop or tavern keeper, to be used as a beverage.
- Debts, etc. *Twenty-second.*—To appropriate and provide for the payment of any debt or expenses of the town and to fix the compensation of their officers.
- Necessary ordinances. *Twenty-third.*—To make all ordinances which shall be necessary and proper to carry into execution the powers specified in this act, or which they may deem necessary and expedient for the better regulation of the internal police of said town, and execute the same and impose fines, forfeitures and penalties for the breach of any ordinances or the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, as in assault, assaults and batteries, riots and affrays and breaches of the peace, shall any such fine or penalty exceed the sum of fifty dollars for any one offense.
- Appointment of officers. § 10. That the president and board of trustees of said town shall have power to appoint street commissioners, boards of health, and other officers that may be necessary, and prescribe their duties, and to require bonds from the several officers for the faithful discharge of their duties.
- Clerk. § 11. The president and trustees shall require the clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of each ordinance and by-law, in a book to be provided for that purpose; and all ordinances before taking effect, shall be published at least ten days in a newspaper published in said town, if there be one, or by posting up notices of the same in three of the most public places in said town. The book or books purporting to be the records of said corporation of the said town of Louisville, or a duly

certified transcript thereof, shall be received in all courts without further proof, as evidence of all such matters therein contained.

§ 12. Any fine, forfeiture or penalty incurred under this act, or any by-law or ordinance made in pursuance of this act, or any act that may be passed amendatory to this act may be recovered, with costs, before any justice of the peace of the proper county, in the name of the corporation, and the several fines, forfeitures and penalties for the breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit, and the first process shall be by summons, unless oath or affirmation be made by some credible person; but in all cases of assault and battery, affray or riot, a warrant shall issue for the offender or offenders in the same manner as for like offenses against the laws of this state. It shall be lawful to declare for debt generally, for such fines, penalties and forfeitures, stating the clause of this act or the ordinance or by-law under which the same is claimed, and to give the special matter in evidence under the declaration, and the parties shall proceed to hear and determine the cause as in other cases. Upon the rendition of judgment for any fines, forfeitures and penalties, the justice shall issue his execution for the same and cost of suit, which may be levied upon any personal property of the defendant or defendants not exempt from execution. If the constable shall return upon such execution no property found, or not sufficient to satisfy the same, then the justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons, and commit him, her or them to the common jail of the county to remain ninety-six hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every one dollar over and above the said five dollars, and so in proportion to the amount of said judgment and costs: *Provided, however*, that the said president or trustees or their attorney, shall require a transcript of said judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same in writing to him, the justice shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to the said clerk, which shall be filed and recorded as in other cases, and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided*, an appeal may be granted within five days after the rendition of the judgment, with the same force and effect, rights and privileges, to all parties as in other cases: *Provided*, no person shall be imprisoned under the provisions of this section, unless the said town shall first cause to be deposited with the sheriff of the

Recovery of
fines, etc.

Executions.

Proviso.

Appeals.

Proviso.

county the sum of three dollars for the board of such person, and like amount for each week thereafter such person shall so remain in jail.

Securities for costs.

§ 13. The president and trustees shall not be required, in suits instituted under this act, or any ordinance passed by virtue thereof, to file before the commencement thereof any security for costs.

Disposition of fines, penalties, etc.

§ 14. All fines, penalties or forfeitures, received or collected for the breach of any ordinances under the provisions of this act, and all moneys received for licenses of groceries or otherwise shall be paid into the treasurer of said corporation by the officer or person receiving the same, to be used for the town and corporate purposes.

Exemption from road labor.

§ 15. The inhabitants of said town are hereby exempted from working on any road beyond the limits of said corporation, and from paying tax on any property within its limits, to procure laborers to work on any such road.

Act submitted to legal voters.

§ 16. *Be it further enacted*, That this act shall be submitted to a vote of the inhabitants of said corporation, at an election to be held for that purpose, the judges of which said election shall be the said Peter Green, L. S. Hopkins and Henry R. Neff, or any two of them, and said judges shall cause to be given ten days' notice of the time and place of holding said election, by posting up notices thereof in three of the most public places in said corporation; and if a majority of the legal voters of said corporation voting at said election, shall vote in favor of adopting this act of incorporation, the same shall be in full force and effect thereafter, but not otherwise.

§ 17. This act is hereby declared to be a public act, and may be read in all courts of law and equity within this state without proof, and shall take effect from and after its passage.

APPROVED March 1, 1867.

In force Feb'y 28, 1867. AN ACT to incorporate the town of Lake, in the county of Cook, and state of Illinois.

Name and style.

Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants and residents of the town of Lake, in the county of Cook, and state of Illinois, be and the same are hereby constituted a body politic and corporate, by the name and style of "The Town of Lake," and by that name shall have perpetual succession, and may have and use a common seal, or not, as they may choose, which they may change and alter at pleasure; have power to sue and be sued, plead and

be impleaded, in all courts of law and equity, in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for public grounds or town purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of property, real and personal, for the benefit of said town, and improve and protect such property and do all things in relation thereto, as natural persons.

§ 2. The boundaries of said town shall include within their limits all that district of country now known as the Town of Lake, county of Cook, and state of Illinois. Boundaries.

§ 3. The government of said town shall be vested in five trustees, to be elected by the qualified voters of said town, and no person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding any election, and is not a citizen of the United States. The supervisor, assessor and collector of said town of Lake, and their respective successors in office are hereby constituted and declared to be, *ex-officio*, three of said board of trustees. Two of the said five trustees may be appointed by the county judge of the said county of Cook, on the application, in writing, of the supervisor, assessor and collector of the said town of Lake, at any time after this act shall become a law; and their successors in office shall be elected at the next annual election thereafter, and biennially after the said next annual election, in the same manner that the other town officers of said town are elected. And the said board of trustees may organize at any time after the said two trustees shall have been duly appointed as aforesaid, and may then enforce any and all the provisions of this act. Qualified trustees.

§ 4. The board of trustees shall determine the qualifications of its members and have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with a concurrence of four-fifths of said board of trustees, expel a member for disorderly conduct. A majority of said board shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Rules of proceedings.

§ 5. Each of the said board of trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. There shall be at least one regular meeting of said board of trustees in each month, at such time and place as may be prescribed by ordinance, with power to adjourn from time to time, as may be deemed necessary. The supervisor shall preside at all meetings, and in case of his absence or inability to act at any meeting of the board, one of their number may be chosen chairman, who shall Quorum—absentees.

Oath of office.

Meetings.

Presiding officer

preside at that meeting. The supervisor or any two members of said board of trustees may call special meetings, when deemed necessary.

Powers, etc.

§ 6. The said board of trustees shall have power, from time to time—

Street improvement.

First.—To cause any street, alley, or highway to be opened, altered, widened, extended, laid out, graded, paved, macadamized, planked, clayed, graveled, or otherwise improved, and to keep the same in repair.

Drains, etc.

Second.—To cause sidewalks, crosswalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and to connect them, or any of them, with any drain or sewer running through Hyde Park, on paying a reasonable compensation therefor, and to regulate the same.

Toll houses, etc

Third.—To erect and maintain toll-houses and toll gates on any street, avenue or public highway in said town of Lake, except State and Halstead streets, after first making a good drive or road thereof, and may demand, collect and receive of and from any and every person using and passing over any such street, avenue or public highway, such toll or compensation for using or passing over the same as the said trustees may from time to time deem proper; and to issue stock for the amount of money any person shall advance for constructing any such toll road or street, and to pay interest, for dividends thereon in the same manner and to the same extent that toll roads organized under the general law of this state can do, and shall have all the powers, privileges and immunities that are granted under and by virtue of the general laws of this state for such purposes.

Stock—dividend and interest.

Powers and privileges.

Animals at large

Pounds.

Dogs.

Fourth.—To regulate the running at large of cattle, horses, sheep, swine, goats, and other animals, and to prohibit any indecent exhibition of horses and other animals. To establish and maintain a public pound, and appoint a pound master, and prescribe his duties, fees and compensation for his services.

Fifth.—To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance. To prevent public dog fights, bull fights, prize fights, or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town.

Liquor traffic.

Sixth.—To license, tax and regulate the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider or other intoxicating liquors, within the limits of said town; and any person who shall take out a license from said trustees as prescribed by ordinance, shall not be required to take a license from the county clerk, and the money received for such license shall be paid over to the commissioners of highways, and be laid out by them on the public roads and streets in said town.

Seventh.—To provide for inclosing, improving and regulating all public grounds belonging to said town, or that may hereafter be acquired by said town; to provide for the inspection and weighing of hay and measuring of fire-wood and other fuel to be used in said town.

Public grounds.

Forage and fuel

Eighth.—To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys when the board of trustees shall deem it necessary, and to cause to keep open and in repair ditches, drains, sewers and culverts on the sides of their railroad tracks, so that filthy or stagnant pools of water can not stand on their grounds or right of ways to the injury of said town, and of the health of the inhabitants thereof, and to regulate the speed of locomotive engines in said town or any part thereof.

Railroad crossings, etc.

Ninth.—To compel the owner or occupant of any soap factory, tallow chandler shops, tannery, grocery, privy, cellar, stable, barn, sewer, or other unwholesome, nauseous house or places, to cleanse or remove or abate the same as often as may be necessary for the health, comfort and convenience of the inhabitants of said town; to direct and regulate the location, construction and management of breweries, tanneries, packing houses, distilleries and slaughter-houses, so that the same shall not be an injury to said town or injurious to the inhabitants thereof; and to license and restrain steaming or rendering lard, tallow, offal, and such such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; to regulate, restrain, prohibit and punish, by fine or imprisonment, shooting in said town.

Nauseous and offensive establishments.

Tenth.—To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into the town; to prevent depositing any dead bodies, night-soil, corrupt or filthy substance or thing in said town; to abate and remove nuisances, and punish the authors thereof by fine, penalties and imprisonment, and to make all necessary laws and rules for that purpose and to enforce the same, but nothing in this act shall be so construed as to oust any court of jurisdiction by indictment or otherwise.

General health.

Eleventh.—To restrain, prohibit and punish, by fine or imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways, streets or alleys in said town.

Trees, etc.

Twelfth.—To appoint town constables to fill any vacancy caused by death or resignation of any constable, and to appoint as many policemen as they shall deem necessary, who shall be qualified by taking the oath of office, in the same manner that constables are, and who shall have the same power and authority to serve process, writs, and make arrests, and do any and all things or acts within the power

Constables.

and authority of constables, and to provide reasonable compensation for services and expenses of such policemen and constables.

Jurisdiction of
offenses.

§ 7. Any justice of the peace of said town, or any court of record of Cook county, shall have jurisdiction of any offenses under the orders, ordinances or resolutions of said board of trustees.

Suits at law.

§ 8. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances or resolutions, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Prosecutions.

§ 9. In all prosecutions for the violation of any ordinance, by-law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Any fine imposed for violation of any order, ordinance or regulation, shall be paid to said board, and shall by them be used to defray such expenses as may be incurred in the exercise of their powers.

Improvements
—expenses of.

§ 10. The expenses of any improvement mentioned in the foregoing sections shall be assessed upon the real estate in said town of Lake benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefit resulting thereto.

Assessments for
improvements.

§ 11. The amount to be assessed for any such improvement or purpose, shall be determined by the said board of trustees, and they shall by ballot appoint, by a majority of said board, two respectable freeholders of said town of Lake, who, with the assessor of said town, (who shall always be one of the three commissioners,) shall make such assessment. The commissioners and assessor thus appointed shall be sworn faithfully and impartially to make such assessment, and do their duty to the best of their ability.

Commissioners
sworn.

§ 12. Before entering upon their duties, the commissioners shall give six days' notice to all persons interested, by posting up notices in three of the most public places in said town of Lake, of the time and place of meeting; and they may if necessary adjourn from day to day. The commissioners shall assess the amount directed by the said board of trustees to be assessed upon the real estate by them deemed benefited, resulting thereto as nearly as may be, and briefly describe in the assessment roll to be made by them the real estate in respect to which any assessment is made.

Assessed real
estate.

§ 13. When the commissioners shall have completed their assessment and made a correct copy thereof, and each commissioner signed the same, they shall deliver the assessment roll to the town clerk of said town of Lake, within sixty days after appointment. The town clerk shall there-

upon cause notices to be posted up in three of the most public places of said town for the space of six days, to all persons interested, of the completion of the assessment and of the filing of the roll. Time and places shall be designated therein for hearing objections.

§ 14. Any person or persons interested may appeal to said board of trustees for the correction of the assessment. Appeals shall be in writing, and filed in the town clerk's office within sixty days after the notice shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power in case of appeal or otherwise, in their discretion, to revise and correct the assessment roll in any way they may deem best, by appointing three other commissioners, or otherwise, and when confirmed it shall be final and conclusive on all parties interested. When confirmed the assessment shall be collected as hereinafter provided, and no appeal or writ of error shall lie in any case from such order or determination. If any assessment be set aside by order of any court, the board of trustees may cause a new one to be in like manner for the same purpose for the collecting the amount so assessed. If any vacancy happens in the office of commissioner at any time, by reason of the removal, failure or refusal, or inability from sickness or other cause, to serve, the board of trustees may fill such vacancy. If the first assessment prove insufficient, another may be made in the same manner; or if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

§ 15. Commissioners appointed under this act, (and the said assessor) may be sworn into office by the town clerk, and said commissioners shall be allowed three dollars a day each for actual service, which together with all other expenses in relation to any assessment made in pursuance of this act shall be deemed part of the expense of the improvement and included therein.

§ 16. When the assessment shall have been confirmed as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of the said county of Cook, and it shall be the duty of said clerk of the county court, in the warrant next thereafter to be issued for collection of state and county taxes levied upon the real estate in said town of Lake, to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits as hereinbefore provided, the amounts of said assessments respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessments and enforce the payment thereof in the same manner and with all the rights, power and authority that he has to collect state and

county taxes, and shall pay the same over to the supervisor or the officer entitled to receive the town tax, at the same time that he is required to pay over the county revenue, and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate for the non-payment of the said assessment and costs, in the same manner as is or may be provided for state and county taxes, and judgment shall be rendered for the aggregate amount for state, county and other taxes, and the assessment aforesaid. The sale shall be conducted upon the same notice and judgment, and in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same persons and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force or hereafter to be enacted providing for the collection of state and county taxes in the counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessments as is allowed for the collection of state and county taxes, to be paid out of the funds of the said town of Lake, and he shall be liable on his bonds for the faithful performance of the duties required under this act.

§ 17. This act shall be deemed and taken to be a public act, and construed in the most liberal and beneficial manner to carry out its provisions, and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT to vacate a certain part of Holden's addition to the town of Frankfort, in Will county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of Holden's addition to the town of Frankfort, in Will county, in this state, lying south of the center of Pacific street, and including blocks numbered five, (5,) six, (6) and seven, (7,) and all streets and alleys lying between said blocks, be and the same are hereby vacated.

§ 2. This act to be in force from and after its passage.
APPROVED February 28, 1867.

AN ACT to amend section three of article eight of "An act to incorporate the town of Paris," approved February 16, 1857. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three of article eight of "An act to incorporate the town of Paris," approved February 16, 1857, be and the same is hereby amended by adding thereto as follows, to-wit: The said council are hereby authorized to erect a calaboose, and imprison therein, temporarily, such person or persons as may be too drunk or disorderly to be tried at the time, or may use the county jail for such purpose. Amended section.

§ 2. This act shall be a public act, and take effect from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the town of Gilman, Iroquois county, state of Illinois. In force March 4, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Gilman, in the county of Iroquois, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Gilman," and by that name and style shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds or for other purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of property, real or personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons. Corporate powers.

§ 3. The boundaries of said corporation shall include the following territory, to-wit: The south-west quarter and the south half of the north-west quarter of section thirty-one, township twenty-seven north, range fourteen west of the second principal meridian; the east half of the south-east quarter of section thirty-one, township twenty-seven north, range eleven east of the third principal meridian; Boundaries.

and the north half of the north-west quarter of section six, in township twenty-six north, range fourteen west of the second principal meridian: *Provided, nevertheless*, the president and trustees of said town may, at any time, by ordinance, extend the boundaries of said corporation in any direction, not to exceed one-half mile.

Election of trustees.

§ 4. That there shall, on the first Monday in April, 1867, and on the first Monday in April annually thereafter, be elected five trustees for said town, who shall hold their offices for one year, and until their successors shall be elected and qualified; and notice for the time and place for holding the first election shall be given by George H. Potter, E. S. McCaughey, A. Dickerson, Hiram Baker and Elias Wanger, or a majority of them, by posting at least three notices in the most public places in said town, or by publishing the same at least ten days previous to said election, in any newspaper published in said town; and annually thereafter, notices in the same manner shall be given by the trustees for the election of their successors. No person shall be elected trustee of said town who is not a legal voter at general elections in this state, or who is not a freeholder in said town, or a *bona fide* resident of said corporation.

Qualifications of voters.

§ 5. That, at any election for trustees, any person, who shall be qualified to vote for state officers, and who shall have actually resided in said corporation for thirty days next preceding such election, shall be a legal voter.

President.

§ 6. That the trustees shall, at their first meeting, elect one of their number president, and shall be judges of [the]

Quorum.

elections and returns of their own members, a majority of whom shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their

Expulsions.

members for disorderly conduct, and, by a vote of three-fourths of the whole number elected, expel a member, and make such other rules and regulations for their own government as to them may seem proper and expedient; and

Vacancies.

shall have power to fill any vacancy in the board of trustees, occasioned by death, resignation, continued absence or otherwise, for any term not to exceed three months.

POWERS OF TRUSTEES.

Street labor.

§ 1. The president and trustees of said town shall have power to cause all the streets, alleys and public roads within the limits of said town to be kept in good repair; and, to this end, they shall require every male resident of said town, over the age of twenty-one years, and under the age of fifty, to labor on the same not to exceed three days in

each and every year, and, if such labor be insufficient for that purpose, to appropriate so much from the general fund of the corporation as they shall deem necessary therefor.

§ 2. To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not to exceed one per cent. per annum upon the assessed valuation thereof. Said taxes shall be collected by the township collector, as state and county taxes are collected. Taxation.

§ 3. To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses and other animals. Animals at large

§ 4. To prevent and regulate the running at large of dogs, to tax the same, and to authorize the destruction of the same when running at large contrary to any ordinance.

§ 5. To regulate and prohibit any indecent exposure of person. Indecencies.

§ 6. To prevent horse-racing, or any immoderate riding or driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles, or otherwise, while standing or remaining in any street, alley, vacant lot or public road in said town. Riding and driving.

§ 7. To establish and maintain a public pound, and to appoint a pound master, and prescribe his duties, and to establish a sufficient prison for the confinement of disorderly persons. Pounds.

§ 8. To restrain and prohibit all descriptions of gambling and fraudulent abuses. Gambling.

§ 9. To suppress and prohibit disorderly houses or groceries, and houses of ill fame. Disorderly houses.

§ 10. To license and regulate, suppress and prohibit, all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements. Exhibitions.

§ 11. To prevent and suppress and prohibit any riot, affray, disturbance of the peace by loud and unusual noises, or any disorderly conduct, disorderly assemblages, assaults, assault and batteries, firing of guns or pistols, within the limits of said town. Riots, affrays, etc.

§ 12. To abate and remove nuisances, and to punish the authors thereof, and to define and declare what shall be deemed nuisances. Nuisances.

§ 13. To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding one mile from the limits thereof. Sanitary.

§ 14. To regulate the storage of gun-powder and other combustible materials; to provide for the prevention and extinguishment of fires, and to organize and establish fire Combustibles.

- Fires, etc. companies; to provide the town with water for the convenience of the inhabitants.
- Improve streets § 15. To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, lanes, alleys or sidewalks within the limits of said town.
- Needful buildings. § 16. To provide for the erection of all useful buildings for the use of said town.
- Liquor traffic. § 17. To suppress and prohibit the selling, bartering, exchanging and trafficking in wines, rum, gin, brandy, whisky, beer or other intoxicating beverages, within the limits of said town: *Provided*, that said president and trustees may regulate and license the sale of such liquors, or any of them, in any manner not inconsistent with the laws of the state or of the United states.
- Debts, etc. § 18. To provide for the payment of any debts or expenses of the town, and to fix the compensation of town officers.
- Necessary ordinances. § 19. To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinances or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case except for assault, assault and batteries, riots and affrays, shall the fine be more than fifty dollars.

JUSTICES AND CONSTABLES.

- Election of police justice and constable. § 1. There shall be elected in the town of Gilman, by the qualified voters thereof, on the first Monday of April, 1867, and on the first Monday of April biennially forever thereafter, a police justice and a town constable, who shall hold their offices for two years and until their successors shall be elected and qualified.
- Eligibility of. § 2. No person shall be eligible to the office of police justice or town constable who shall not have been a resident of the town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.
- Manner of conducting elections. § 3. For the election of police justice and town constable, the town of Gilman is hereby declared an election precinct, and such elections shall be conducted, and the returns thereof made, in the same manner as the election and returns of other elections of justices of the peace and constables.
- Commissioners' bond and oath. § 4. The police justice shall be commissioned by the governor of the state of Illinois a justice of the peace, and as such give bond and take and subscribe the same oath of

office as other justices of the peace, and shall have concurrent jurisdiction with other justices of the peace of the state of Illinois, and shall have the same fees as other justices of the peace in similar cases.

§ 5. The town constable shall have such power and authority, and be entitled to such fees, and be placed under such bond conditioned for the faithful performance of the duties of his office as may be prescribed by the ordinances of the corporation hereby created, and shall have the same power and authority in all cases arising under the law of this state, as other constables of the county, and shall have the right to serve process as other constables at any place within the limits of the county of Iroquois, and shall have power to make arrests for violations of any of the ordinances of the town without a warrant from the justice of the peace. In case the police justice or constable shall at any time be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, mal conduct or partiality in the discharge of their duties, they shall be liable to be indicted in the circuit court of Iroquois county, and on conviction shall be fined in any sum not exceeding two hundred dollars, and removal from office.

Constable's
powers, etc.

Malconduct.

ELECTIONS.

§ 1. The first election shall be held by George H. Potter, Levi Thompson, Hiram Baker, E. S. McCaughey and Frank H. Rogers, or a majority of them, who shall take the oath prescribed by the statute for judges of elections, and ever after, by the president and trustees of the town of Gilman, according to ordinances passed by them for elections.

Judges of elec-
tions.

§ 2. The president or any two of the trustees may call special meetings of the board of trustees. In the absence of the president the trustees shall appoint one of their number chairman.

Special meet-
ings.

§ 3. The president shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

Exhibit books.

SPECIAL POWERS.

§ 1. The trustees shall appoint a clerk, whose duty shall be to keep a correct record of all their proceedings, in a book provided for that purpose, and to record all ordinances passed by them, which record shall be admitted as evidence in any court of justice in this state.

Clerk's duties.

§ 2. The trustees shall cause all ordinances to be published, in such manner as they shall provide, at least ten days before they shall go into effect.

Publication of
ordinances.

§ 3. The trustees may make ordinances requiring all necessary officers to carry out the requirements of this act.

Oath of office. § 4. All the officers shall be sworn to support the constitution of the United States and of this state, and the necessary oath appending to office.

Bonds. § 5. All bonds required from officers not mentioned in this act, shall be given to the president and trustees of the town of Gilman, and they, the trustees, shall fix their compensation.

Appeals. § 6. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinances passed in pursuance of this act, to the circuit court of Iroquois county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace, to the circuit court, in similar cases under the laws of this state.

Evidence of act. § 7. This act is hereby declared a public act, and may be received in evidence in all courts of law and equity in this state, without proof.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED March 4, 1867.

In force March
5, 1867.

AN ACT to vacate a portion of the plat of the town of New Liberty.

Vacated plat.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the town plat of the town of New Liberty, in the county of Adams and state of Illinois, lying south of Mendon and east of Main street, be and the same are hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March
5, 1867.

AN ACT to incorporate the town of Keokuk Junction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Keokuk Junction in the county of Adams, are hereby constituted and declared a body corporate and politic, by the name and style of "The president and trustees of the town of Keokuk Junction," and by that name shall have perpetual succession,

Name and style.

and may have and use a common seal; have power to sue Powers. and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatsoever, to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

§ 2. The boundaries of said town shall be as follows: Boundaries. Commencing at a point twenty rods north of the northwest corner of the southwest quarter of section number thirty-one (31), in township number two (2) north, and range five (5) west of the fourth principal meridian; thence running east one mile to a point twenty (20) rods north of the northeast corner of the southeast quarter of section thirty-one (31), in same township and range; thence running south one-half mile and twenty rods to the southeast corner of same quarter; thence running west on the township line between Clayton and North East township one mile to the southwest corner of North East township; thence running north one-half mile and twenty (20) rods, on the township line between Houston and North East township, to the place of beginning.

§ 3. The government of said town shall be vested in a President and trustees. president and four trustees; the said trustees to be elected annually by the qualified voters of said town; and no person shall be a trustee unless at the time of his election he shall have resided in said town for the space of six months, shall be twenty-one years of age, and a citizen of the United States; and upon his removal from said town he shall vacate his office.

§ 4. The board of trustees shall determine the qualification of its own members, and all cases of Returns. returns and elections of their own body; a majority shall constitute a Quorum. quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings; Rules of proceedings. punish a member for disorderly conduct; and, with the concurrence of two-thirds, expel a member.

§ 5. The president and each of the trustees shall, Oath of office. before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and abilities; and there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinances.

§ 6. The boundaries of said town, as herein defined, shall constitute a district for the election of one justice of the peace and one town constable, who shall be elected by Election district — justice of the peace — presiding officer, etc.

the qualified voters of said town, at the same time and place at which the trustees are elected; and the said justice of the peace shall give bond and qualify as other justices of the peace are required by law to do; and he shall be, *ex officio*, president of the board of trustees, and shall have the right to give the casting vote in case of a tie, and possess the same qualifications as are required of a trustee by the third section of this act; and if he shall remove from said town his office shall be vacated.

Tie vote.

§ 7. If two or more persons shall receive an equal number of votes for the office of justice or constable, the board of trustees shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance.

Election of officers.

§ 8. On the first Monday in the month of April, A. D. 1867, and on the first Monday in April in each year thereafter, an election shall be held in said town for one town constable and four trustees, as aforesaid, who shall hold their offices for one year and until their successors are elected and qualified, which election shall commence at ten o'clock in the forenoon, and close at four o'clock in the afternoon of said day. The present trustees shall appoint the judges and clerks at said election, who shall receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for the justice of the peace hereinafter mentioned, when necessary, and constables, to the clerk of the county court, and lay the poll books of such election before the board at its first meeting. All subsequent elections shall be held and conducted as may be prescribed by ordinance; and at said first Monday in April, 1867, shall also be elected one justice of the peace, who shall be, *ex officio*, president of the board of trustees, who shall hold his office for the term of four years; and at the election of trustees, every fourth year thereafter, his successor shall be elected.

Justice of the peace.

Qualified voters

§ 9. All free white inhabitants of said town, who are qualified to vote for state officers, and who have resided in said town one month next before any such election, shall be qualified to vote for town officers.

Taxes, etc.

§ 10. The president and trustees shall have power to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now, or may hereafter be, subject to state and county taxation, not exceeding one-half of one per centum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States, or of this state, or the said trustees may, if they think proper so to do by ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector: *Provided*, lands used and cultivated for agricul-

Proviso.

tural purposes, of the amount of five acres or more, in any one piece or lot, within the corporate limits, shall not be subject to a corporate tax.

§ 11. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk of the county court of Adams county, or other officer whose duty it is by law to extend the tax by existing laws, notice of their intention so to do, which notice shall be a copy of their record of said assessment, and also the rate of taxation; and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue; the clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance. Assessments.
Proviso.

§ 12. The said board shall have power to appoint such officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds with such security, and take such oaths as may be judged necessary to insure a faithful performance of their respective duties, and shall have power to appropriate money and provide for payment of the debts and expenses of the town. Appointment of officers.
Appropriations.

To make regulations to secure the general health of the inhabitants of the town. General health.

To declare what shall be deemed a nuisance, and to prevent and remove the same.

To extend, establish, grade, or otherwise improve and keep in repair streets, alleys, and lanes, in said town, and erect, maintain and keep in repair bridges. Street repairs.

To provide for the erection of all needful buildings for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town. Buildings.

To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and drinking houses or saloons. Merchants, etc.

To license, tax and regulate theatrical and other exhibitions, shows, and amusements. Exhibitions.

To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses. Disorderly houses.

To provide for the prevention and extinguishment of fires, and to organize and establish fire companies. Fires, etc.

To regulate partition fences, and to provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel, to be used in said town. Forage and fuel.

Census.

To provide for the taking the enumeration of the inhabitants of said town.

To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.

Fees, etc.

To fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under this act, or under any ordinance.

Fines, etc.

To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Street encumbrances, etc.

To prevent the encumbering of the streets, squares, lanes and alleys of said town.

To protect shade trees.

Animals at large

To compel persons to fasten horses, mules and other animals, attached to vehicles, while standing upon any square, street, lane, alley, or uninclosed lot, for the violation of any ordinance in relation thereto.

To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

Fire-arms.

To prevent the firing of squibs, rockets, guns or other combustibles or fire arms within the limits of said city.

Necessary ordinances.

§ 13. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state and of the United States. The style of the ordinances of the town shall be, "*Be it Ordained by the President and Trustees of [the] Town of Keokuk Junction.*" And all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or, if no newspaper is printed in said town by posting copies of the same in four public places in said town; and the certificate of the publisher of such newspaper, or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication; and no ordinance shall take effect until the same shall have been published as aforesaid.

Publication of.

Proof of.

§ 14. All ordinances may be proved by the seal of the town, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places, without further proof.

President.

§ 15. The president of the board shall preside at all meetings of the board, when present, and in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect

the conduct of all subordinates, and cause negligent and willful violation of duty to be punished. He shall have the power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance; and any persons or person who shall fail to obey such call shall forfeit any pay to said corporation the sum of five dollars each.

§ 16. The said president shall be commissioned by the governor as, and he shall have and exercise the same power and jurisdiction conferred upon other justices of the peace, by the laws of this state; and shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace; and for any willful and corrupt oppression, mal-conduct or partiality, or palpable omission of duty in his said office, may be indicted in the circuit court of Adams county, and upon conviction shall be fined in a sum not exceeding one hundred dollars; and the court shall have power upon the recommendation of the jury to make his removal from office a part of the judgment.

Jurisdiction of
—fees, penal-
ties, etc.

§ 17. The president and trustees shall have power, by ordinance, to levy, assess and collect a special tax for the purpose of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of the tenth and eleventh sections of this act, or as may be provided by law.

Taxation.

§ 18. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, shall have power to require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, lanes, alleys, avenues and highways three days in each year, and every person failing or refusing to perform such road labor, after being notified as may be provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected and refused.

Street labor.

§ 19. The president and board of trustees shall have power to provide for the punishment of the offenders against any ordinance, by confinement in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of
offenders.

§ 20. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by the authority of the county court; and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and trustees as aforesaid.

Exemption from
road labor.

§ 21. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of

Writs.

Change of venue
and appeal.

Proviso.

Constable.

Suits at law.

Powers granted

Violation of or-
dinances.

Ordinances in
force.

New elections.

an action of debt, before the president of the board, or, in case of his absence or inability to act, before some other justice of the peace of said town; and changes of venue and appeals shall be allowed in all cases commenced before the said president of the board of trustees, as in other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal, in any case in which they are parties, by causing their secretary to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the record of said corporation, directing said appeal, shall be sufficient evidence of the authority of the said secretary to sign said bond.

§ 22. The town constable, elected under the provisions of this act, shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Adams, and he shall have the same power, jurisdiction and authority as other constables elected and qualified under and by virtue of any laws of the state of Illinois, and shall give bond as by law is required of other constables; and, in addition thereto, shall give such other and further bond as the said corporation shall, by ordinance, prescribe.

§ 23. All suits for fines and penalties in and for the violation of any ordinance shall be in the name of the president and trustees of the town of Keokuk Junction, and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process, and the mode of executing the same.

§ 24. The said president and trustees shall have power to exercise all the powers granted to corporations organizing under and by virtue of the first division of chapter 25 of the Revised Statutes of the state of Illinois, for the year 1845, and all amendments thereto, in addition to the powers herein granted, and may impose fines for the breach of their ordinances for any sum not exceeding the sum of one hundred dollars.

§ 25. All ordinances heretofore passed and in force in said town, not inconsistent with the provisions of this act, shall be and remain in full force and effect in said town, until the same shall be altered or repealed by the board of trustees hereinbefore mentioned.

§ 26. The board of trustees shall have power, in case of the death, resignation or removal from office of the president, to immediately order a new election to fill the unfinished term of said president, in such manner as they may, by ordinance, provide.

§ 27. That this act is declared to be a public act, and to take effect from and after its passage.

APPROVED March 5, 1867.

AN ACT to change the name of the town of Bourbonais, in Bureau county. In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Bourbonais, in Bureau county, be and the same is hereby changed to the name of Lovejoy. Change.

§ 2. This act to be a public act, and to be in force from and after its passage.

APPROVED March 5, 1867.

An act to incorporate the town of Maroa, Macon county, state of Illinois. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Job A. Race, John B. Cary, Henry Stauffar, Joseph Wilson and Henry Jones, of the town of Maroa, in the county of Macon, and state of Illinois, be and they are hereby recognized and constituted a body politic and corporate, by the name and style of "The President and Trustees of the town of Maroa," and by that name shall have perpetual succession, and may have and use a common seal, which they may change when by them considered expedient, first giving public notice of such change, and transmit such seal to their successors in office. Name and style.
Seal.

§ 2. The aforesaid corporators and their successors, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the limits of said town, for public grounds or other public purposes; to hold property, both real and personal, beyond the limits of said town, for burial grounds or other purposes, for the use of the inhabitants of said town; to sell, lease and dispose of property, both real and personal, for the benefit of said town, and improve and protect all such property, and do all things in relation thereto as natural persons. Corporate powers.

§ 3. The boundaries of said corporation shall be as follows: Beginning at the northeast corner of the west half of the southeast quarter of section number two (2), in township number eighteen (18) north, of range two (2) east of the third (3) principal meridian; thence west one mile; thence south one mile; thence east one mile; thence north one mile to the place of beginning; according to the United States survey, including the west half of the southeast quarter of section two (2), and east half of the southeast quarter of section three (3); the east half of the northeast Boundaries.

quarter of section ten (10), and the northwest quarter and west half of the northeast quarter of section eleven (11); all in township number eighteen (18) north, of range two (2) east of the third (3) principal meridian, in the county of Macon, and state of Illinois.

Office tenure.

§ 4. The aforesaid corporators shall continue in office until their successors shall be elected and qualified. The first election under the provisions of this act for trustees of said town shall be held on the first Monday in the month of April, A. D. 1868. And elections for the same purpose shall be held on the first Monday in the month of April in each and every year thereafter, when five trustees shall be elected, who shall hold their offices for one year and until their successors shall have been elected and qualified. The president or clerk, or both, shall cause to be posted up in four of the most conspicuous places in said town, at least ten days before said first Monday in April in each and every year after the year A. D. 1867, written or printed notices of such elections, signed by said president or clerk, or both, setting forth when and where such elections will be held.

Election.

Qualifications of trustees.

§ 5. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding an election for trustees, and who is not a citizen of the United States. Any resident of said town who shall have resided therein thirty days, next before any election for trustees, shall be a qualified voter at such election.

Oath of office.

§ 6. Each member of said board of trustees shall, before entering upon the duties of his office, take and subscribe an oath or affirmation that he will support the constitution of the United States and of this state, and that he will perform the duties of his office to the best of his knowledge and ability.

Quorum.

§ 7. A majority of said trustees shall constitute a quorum for the transaction of business. The said trustees shall elect one of their number to be president of the board, who shall have power to fill all vacancies in said board, which may be occasioned by death, resignation or otherwise: *Provided*, he shall exercise such power within three months next after the occurring of any vacancy or vacancies. Should any vacancy or vacancies occurring not be filled by the president within three months, as aforesaid, an election to fill such vacancy or vacancies shall be called, by posting up written or printed notices of the same in at least four of the most public places in said town; which said notices shall be signed by the president and clerk of said board, setting forth when and where said election shall be held; which shall be at least ten days after the posting up of said notices as aforesaid.

President.

Vacancies.

Notice of election.

Appointment of officers.

§ 8. The board of trustees shall, at their first regular meeting after the passage of this act, or as soon thereafter

as may be, appoint a clerk of said board, who may be one of their number, a treasurer, assessor and constable or constables, and such other officers as may, from time to time, be required; and the said board shall have power to define and regulate the duties of all such officers of said incorporation, in such manner and under such penalties as said board may deem necessary, and to provide for their compensation.

§ 9. All officers appointed as aforesaid shall be required to give bond and security for the faithful performance of the duties of their respective offices, before entering upon such duties, the same to be subject to the approval of the said board of trustees, who shall fix the amount of security to be given by such officers respectively; and such officers shall, before entering upon the discharge of their duties, subscribe an oath or affirmation, for the honest and faithful discharge of such duties, the same to be made before any police magistrate or justice of the peace in said town. Bonds, etc.

§ 10. The regular meetings of the said board of trustees shall be held on the second Monday in each month; and said board shall have power to provide for adjournment and special meetings. Regular meetings.

§ 11. The said board of trustees shall have power to determine the rules of their own proceedings, punish members for disorderly conduct, and with the concurrence of four-fifths of said board expel members for the same; should a quorum not be present at any meeting of said board a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Rules of proceedings, etc.

§ 12. The said board of trustees shall have power, from time to time—

First.—To cause any street, alley, or highway in said town to be opened, altered, widened, extended, graded, paved, macadamized, planked, clayed and graveled, or otherwise improved, and to keep the same in repair. Opening streets

Second.—To cause sidewalks, crosswalks, main drains and sewers, private drains, or aqueducts, to be constructed and laid, relaid, cleansed, and repaired, and regulate the same. Drains, etc.

Third.—To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into said town; to prevent the depositing of any dead bodies, night-soil, corrupt or filthy substance, or thing, in said town, and to make laws or rules for that purpose, and to enforce the same. Health.

Fourth.—To prevent the running at large of dogs, and provide for the destruction of the same, when running at large, contrary to ordinance; to prevent public dog fights, prize fights, or any public or private fighting, and to res-

Dogs at large—disorderly conduct, etc.

train lewd and unbecoming, profane or indecent language, or disorderly conduct in said town.

Liquor licenses.

Fifth.—To license and regulate the selling and exchanging of and traffic in any wine, rum, brandy, whisky, ale, beer, porter, cider, or other intoxicating liquors, within the limits of said town, and any person who shall take out a license from said board of trustees, for the sale of such intoxicating liquors as prescribed by ordinance, shall not be required to take license from the county clerk, and the money received for such license shall be paid to the treasurer of said town.

Public grounds.

Sixth.—To provide for enlarging and improving and regulating all public grounds belonging to said town, or that may hereafter be acquired by said town; to provide for the inspection and weighing of hay, the measuring of wood and other fuel, to be used in said town.

Forage and fuel.

R.R. companies

Seventh.—To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets, roads and alleys, when the board of trustees shall deem it necessary, and to regulate the speed of locomotives and engines within said town, or any particular part of said town; to cause railroad companies to keep open and in repair ditches, drains, sewers, or culverts, on the sides of their railroad tracks, so that filthy or stagnant pools of water can not stand along their tracks, to the injury of said town or the health of the inhabitants thereof.

Drains, etc.

Nauseous and
offensive esta-
blishments.

Eighth.—To compel the owners or occupants of any soap factory, tallow chandler's shop, tannery, grocery, privy, cellar barn, stable, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same as often as may be necessary for the health and comfort of the inhabitants of said town; to direct the location of and regulate license and restrain within said town distilleries, slaughter houses, and houses for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all places where any nauseous, offensive or unwholesome business may be carried on; to restrain and punish, by fine and imprisonment, shooting in said town.

Nuisances.

Ninth.—To abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment, and to declare what shall be nuisances; but nothing in this act shall be so construed as to oust any court of jurisdiction by indictment or otherwise.

Trees, etc.

Tenth.—To restrain, prohibit and punish, by fine or imprisonment, or both, the cutting of trees or shrubbery upon any of the public grounds, highways, streets or alleys of said town.

Street encum-
brances.

Eleventh.—To prevent the encumbering of the streets, alleys, sidewalks or public grounds, with carriages, wagons, carts, boxes, lumber, timber, firewood, posts, awnings, signs, or other substances or material, and to compel all

persons to keep the snow, ice, dirt and other rubbish from the sidewalks, streets and gutters in front of the premises occupied by them.

Twelfth.—To prohibit, prevent and suppress and regulate the running at large within said town of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of distraining and impounding, that may be provided by ordinance, and to impose penalties on the owners thereof for the violation of any ordinance in relation thereto. Animals at large

Thirteenth.—To prohibit and suppress horse racing and immoderate driving or riding in the streets of said town, and to cause persons immoderately riding or driving as aforesaid to be stopped by any person while so violating any ordinance in that behalf; to prohibit the abuse of any animals, and punish all persons who shall abuse the same, and to compel persons to fasten their horses and other animals attached to vehicles or otherwise, while standing in the streets. Riding and driving.
Abuse of animals.

Fourteenth.—To restrain and punish vagrants, mendicants and street beggars. Vagrants, etc.

Fifteenth.—To license, tax, regulate, or suppress and prohibit billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops or houses, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all gaming with cards, dice, and all other games of chance, and to authorize the destruction of all instruments and devices used for the purpose of gaming or in carrying on lotteries. Billiards, etc.

Sixteenth.—To provide for the prevention of fires, to regulate the storage of gunpowder and other combustible matter in said town; to license, tax and regulate all brokers, money brokers, insurance brokers and auctioneers, and to license, tax, regulate, and suppress and prohibit hawkers, peddlers, pawn brokers, keepers of ordinaries, and theatrical or any other exhibition, shows or amusements. Combustibles.
Brokers, etc.

Seventeenth.—To appropriate money and to provide for the payment of the expenses of the said town. Appropriations.

§ 13. The said board of trustees shall have power to pass, publish, amend and repeal all ordinances, rules and regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the said town, and the trade and commerce thereof, that may be necessary or proper; and to insure the observance of all such ordinances, rules and regulations, shall have power to provide for all violations thereof by fines, penalties and imprisonment in the common jail of Macon county, aforesaid, or both, in the discretion of the police magistrate or court before whom conviction may be had; but no fine or penalty shall exceed two hundred dollars, nor the imprisonment six months for any offense; Needful ordinances.
Fines, etc.

and such fine or penalty may be recovered, with costs, in an action of debt in the name of the president and trustees of the town of Maroa, before the circuit court of Macon county where the fine or penalty exceeds one hundred dollars, or before the police magistrate of said town where the same is one hundred dollars or under; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail aforesaid, or required to labor on the streets or public works of said town for such time and in such manner as may be provided by ordinance; and all persons committed under this section, or any ordinance in pursuance thereof, shall be confined or compelled to labor on the streets or public works of said town one day for each dollar of the fine or penalty imposed and costs of suit; the period of imprisonment or labor as aforesaid, however, in no case to exceed six months.

Recovery of
fines, penalties
etc.

§ 14. All actions brought to recover any fine, penalty or forfeiture imposed by this act, or any ordinance in pursuance thereof, shall be brought in the corporate name, before the police magistrate of said town or the circuit court of Macon county aforesaid. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the ordinance under which the same is claimed, and to give the special matter in evidence under such general declaration.

processes.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation of said town, the first process shall be a summons, unless oath or affirmation be made for a warrant by complainant, as is now provided by law in criminal proceedings. On such oath or affirmation being made, the police magistrate shall issue a warrant for the arrest of the person or persons charged in such oath or affirmation with any violation of any ordinances, by-laws or regulations of said town.

appeals.

§ 15. Appeals may be taken from the judgments of the police magistrate of said town to the circuit court of Macon county, aforesaid, in the same manner and within the same time as appeals from the judgments of justices of the peace of said county are now or hereafter may be taken to said circuit court.

Change of venue

§ 16. In case any person or persons charged with the violation of any ordinance, by-law or regulation of said town, shall make affidavit that he or they can not have a fair and impartial trial before the police magistrate thereof, the person or persons so making affidavit shall be entitled to a change of venue, and the said police magistrate shall forthwith send the cause in which such affidavit shall have been made to the nearest justice of the peace of said county of Macon, for trial; and such justice of the peace shall, in such

case, have and exercise all the powers and rights of the said police magistrate in hearing and determining said cause, and the judgments of said justice of the peace shall be of the same force and effect as judgments of said police magistrate.

§ 17. Execution may be issued against the goods and chattels or real estate of the defendant or defendants immediately on the rendition of judgment. The issuing of execution, however, shall not prevent the imprisonment of the defendant under any order of committal, but shall be taken as a concurrent proceeding. Executions.

§ 18. The said board of trustees shall have power to provide a suitable building or room, to be used by the constable of said town as a lock-up, for the safe-keeping of persons arrested by him for violation of any ordinances, by-laws or regulations of said town, until such persons shall have been tried before the police magistrate or shall have entered into recognizance for their appearance before said magistrate. The said constable shall, also, place in such building or room, for temporary safe-keeping, all persons charged with crime whom he may arrest, in his capacity of county constable, for offenses under the laws of this state. Building for offenders.

§ 19. The police magistrate of said town shall be elected on the second Monday in April, in the year of our Lord eighteen hundred and sixty-seven, and shall hold his office for two years or until his successor shall have been elected and qualified. Elections for police magistrate shall be held on the second Monday in the month of March, every second year after the said year of our Lord eighteen hundred and sixty-seven. The police magistrate of said town shall have the same powers as other justices of the peace, under the laws of this state. He shall be required to give bond, in the sum of four thousand dollars, for the faithful performance of the duties of his office—said bond to be subject to the approval of the president and trustees of said town. The board of trustees of said town shall have power, in case any vacancy shall occur in said office, through the death or resignation of any police magistrate, or otherwise, to fill the same by the appointment of some suitable person to such office. Police magistrate—election for—powers—bonds, etc.

§ 20. The said board of trustees shall have power to provide, by ordinance, for the levying and collection of taxes for the use of the corporation, upon all real and personal estate and property within said town, owned by the inhabitants thereof or by non-residents, not exceeding one-half of one per cent. upon the assessed value thereof, in making his assessment the assessor shall be governed by the laws of this state directing and regulating the assessment of real and personal property for state and county purposes, now in force or that may hereafter be enacted. Taxes.

§ 21. The annual assessment lists shall be returned by the assessor to said board of trustees on or before the second Assessment lists.

Monday in August, in each year, but the time for such return may be extended by said board; and said board shall have power to supply omissions in said lists, and for the purpose of equalizing the same to alter, correct and revise said assessment lists or to refer said lists back to the assessors for correction or revision. After said assessor's lists shall have been returned and accepted by said board of trustees, said board shall name a day for hearing objections thereto, and the clerk of said board shall give notice of the time and place of hearing the same by posting up at least three written or printed notices in three of the most public places in said town, at least six days before the time named in said notices for such hearing; and all persons who may be dissatisfied with the assessment of their property may appear, at the time specified in such notices, and make their objections to such assessment. If necessary, said board shall adjourn from day to day, until all persons considering themselves aggrieved can be heard.

Objections
heard.

Appeals.

Filing, confirm-
ing and collec-
tion of.

§ 22. When the assessment lists have been corrected and revised, (if such correction shall have been necessary,) the said list shall be filed, and an order confirming the same and directing a warrant to issue for the collection thereof, shall be passed by said board of trustees, and entered by the clerk of said board. The said board shall, thereupon, by ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, specifying the purposes for which the same are levied, and, if not for general purposes, the portions of the town upon which the same are laid.

Liens upon real
estate, person-
al property
taken.

§ 23. All taxes and assessments, general or special, levied or assessed by said board of trustees, under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed or assessed, for two years from and after the corrected assessment lists shall be confirmed, and on personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect such lien; and personal property may be taken and sold for the payment of taxes on real or personal estate belonging to the owner of such personal property; and the real estate shall be liable for the taxes on personal estate, in case of removal, or when the tax can not be made out of the personal estate, in the same manner as is prescribed by the laws of this state: *Provided*, that in case the collection of any assessments shall be delayed by any judicial proceedings, the said lien shall continue, unless removed by payment or otherwise, upon the real estate, for the term of two years from and after the final disposition of such judicial proceedings.

Taxes.

Proviso.

§ 24. All warrants issued for the collection of the general or special taxes and assessments shall be signed by the president and clerk of said board of trustees, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. Said warrant shall be delivered to the collector within thirty days after the filing of the corrected assessment lists, unless further time for this purpose shall be given by said board of trustees. If not otherwise paid, the collector shall have power to collect said taxes or assessments, with interest and costs, by a suit in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, ten days' notice, published by posting up written or printed notices in three of the most public places in said town, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list in all cases to be evidence on behalf of the corporation. Warrants.

§ 25. All taxes and assessments, general or special, shall be collected by the collector of said town, in the same manner, and with the same powers and authority, as is now or hereafter may be given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the treasury of the town; and his duty in regard to returning warrants, and settling with the said board of trustees, and his liabilities in case of default or misconduct, shall be the same as prescribed by law in regard to county or township collectors, and shall receive the same fees as are now or hereafter may be allowed to county or township collectors: *Provided*, the said board of trustees shall have power to prescribe the powers, duties, fees and liabilities of collectors, by ordinance. Collection.

§ 26. In case of the non-payment of any taxes or assessments levied or assessed under this act, or any ordinance in pursuance thereof, real estate may be sold at any time within two years after the confirmation of the assessment by the board of trustees. Before any such sale, an order shall be made by the said board of trustees, which shall be entered at large in the journal or record kept by the clerk of said board, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made; a certified copy of which order, under the corporate seal, signed by the president and clerk of said board, shall be delivered to the collector; which, together with the warrant, shall constitute the process upon which such sale shall be made. Disposition of.

§ 27. The said board of trustees shall have power to prescribe, by ordinance or resolution, the manner in which such delinquent lands shall be advertised for sale, and the length of notice to be given. All sales made by the col- Proviso.

Non-payment of

Advertising delinquent lands.

lector shall be conducted in the manner required by law; but said board of trustees shall have power to prescribe the manner of conducting the same.

Redemption.

§ 28. The laws of this state regulating redemptions from sales of lands for county and state taxes shall be applicable to redemptions from sales of lands for taxes or assessments made in pursuance of this act, or of any ordinance in pursuance of this act, so far as the same may be applicable. In case of redemption, the money shall be paid to the clerk of said board, who shall pay the same to the person entitled thereto. If not redeemed according to law, the president of said board and the clerk thereof, upon presentation of the certificates of sale, or proof of their loss, shall execute, under their hands and the corporate seal, deeds conveying to purchasers the premises sold to them and unredeemed; and abstracts of all such deeds shall be entered by the clerk of said board in the book wherein tax sales shall be by him recorded.

Deed of assignee of tax certificates.

§ 29. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of said town shall be entitled to receive a deed to such premises in his own name, as though he had been the original purchaser.

Bids.

§ 30. If at any sale of personal or real estate for taxes or assessments no bid shall be made for any parcel of land or any personal property offered for sale, the same shall be struck off to said town, and thereafter the said town shall receive, in the corporate name, a certificate of the sale of any such real estate, and shall be vested with the same rights as other purchasers of real estate at such sale, and shall become the absolute owner of all personal property so struck off to said town.

The town the absolute owner

Deed prima facie evidence.

§ 31. All deeds made to purchasers of real estate sold for taxes or assessments, as aforesaid, shall be *prima facie* evidence in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns to the premises thereby conveyed, of all facts of which deeds made to purchasers of lands sold for county and state taxes are in similar suits and controversies *prima facie* evidence under the laws of this state.

Constable to be collector.

§ 32. The town constable shall be, *ex-officio*, collector of said town: *Provided, however*, that in case more than one constable shall be appointed under this act, the said board of trustees shall, by ordinance or resolution, designate the constable that shall act as collector.

Exemption from road labor, etc.

§ 33. The inhabitants of said town of Maroa shall, after the passage of this act, be exempt from working upon any road or highway beyond the limits of said town, and from paying the tax in lieu thereof.

Road labor.

§ 34. Said board of trustees shall have power to require every able-bodied male resident of said town over the age

of twenty-one years and under the age of forty-five years, to labor under the direction of such officer as shall be appointed by said board to act as street commissioners on the streets, lanes and alleys of said town, not exceeding three days in each year; and every person failing to perform such labor when duly notified by the proper authorities shall forfeit and pay the sum of one dollar and fifty cents for each day he shall neglect to work, and the same together with costs of suit, may be collected for the use of said town, by the acting street commissioner of said town. The said board shall have power to prescribe the length of said notice and the manner of giving the same.

§ 35. All fines, forfeitures and penalties collected under this act, or any ordinance in pursuance thereof, shall be paid into the treasury of said town by the officers collecting the same.

Disposition of
fines and pen-
alties collected

§ 36. All ordinances shall be fairly written or printed, and copies thereof posted up at three of the most public places in said town; and no ordinance shall be in force until so published and posted five days. The clerk of said board shall receive the same fees and in like manner as town clerks under township organizations in this state, and such additional compensation as said board may deem fit and proper.

Publication of
ordinances.

§ 37. The affidavit of the person posting up copies of any ordinance as aforesaid, taken before any officer authorized to administer oaths, and filed with the clerk of said board, or any other competent proof of such posting up of any ordinance as aforesaid, shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and places.

§ 38. The style of all ordinances shall be: "*Be it Ordained by the President and Trustees of the Town of Maroa.*" All ordinances of said town, when printed and published by authority of said board of trustees, shall be received in all courts and places without further proof.

§ 39. The manner of conducting and voting at all elections held under this act and contesting the same, shall be governed as nearly as may be by the laws now in force, or that may hereafter be enacted, regulating general state elections: *Provided*, that said board of trustees shall have power to regulate by ordinance the conducting and voting at all such elections, and the canvassing of votes and certifying of returns, and shall also have power to appoint judges of elections.

Manner of con-
ducting elec-
tions, etc.

§ 40. The constables appointed by said board in pursuance of this act shall have and exercise all the powers vested in constables of said county of Macon under the laws of this state: *Provided, however*, that constables so appointed shall not serve a civil process without having first entered into a bond as such county constable, to be approved by the

Constable's du-
ties and powers

county court, as in other cases; they shall execute, or cause to be executed, and return all proper process issued by any proper officer under this act, or any ordinance in pursuance thereof, and shall receive the same fees as constables under the laws of this state; but said board of trustees shall have power to prescribe by ordinance the fees of constables of said town, in all cases arising under this act or any ordinance by virtue hereof.

Treasurer.

§ 41. The town treasurer shall receive all moneys belonging to the town, and shall keep account of all receipts and expenditures in such manner as the board of trustees shall direct. No moneys shall be drawn from the treasury except in pursuance of an order of said board of trustees, and a treasury warrant signed by the president of said board and countersigned by the clerk; and each warrant shall specify for what purpose the same is to be paid. The treasurer shall exhibit to the said board of trustees, at least twenty days before the annual election in each year, and oftener if required, a full and detailed statement of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which shall be filed in the office of the clerk of said town.

Office tenure.

§ 42. All officers of said town, appointed by virtue of this act, except members of said board appointed to fill vacancies, shall hold office during the pleasure of said board of trustees and until their successors shall have been appointed and qualified: *Provided, however*, that said board of trustees may, by ordinance, prescribe the period for which any such appointee shall hold office. All officers elected or appointed by this or any ordinance or resolution in pursuance thereof, shall be commissioned by warrant under the corporate seal, signed by the president and clerk of said board.

Penalties for non-surrender of office, etc.

§ 43. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession, belonging to said town or appertaining to his said office, he shall forfeit and pay for the use of said town fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books and papers and effects belonging to his office, in the manner prescribed by the laws of this state.

Clerk's duties.

§ 44. The town clerk shall keep the corporate seal and all books and papers belonging to the city, and shall perform such other duties not in this act prescribed, as the said board of trustees shall, by ordinance or resolution, direct.

Additions to the town.

§ 45. Any tract of land adjoining said town which may be laid off into lots and blocks and duly platted according to law, and any tract of land adjoining said town, with the

consent of the owner thereof, may and shall be annexed to said town and form a part thereof.

§ 46. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without further proof, and shall take effect and be in force from and after its passage. Evidence of act.

APPROVED March 7, 1867.

AN ACT to vacate the town plat of the town of West Lockport, in Will county, state of Illinois. In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of West Lockport, in Will county, as recorded in the records of said county, be and the same is hereby vacated, and the land comprised in said town plat of West Lockport, shall hereafter be assessed and taxed as farming lands are required to be assessed and taxed. Vacated plat.

2. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the town of Minonk.

In force March 7, 1867.

ARTICLE I.

OF BOUNDARIES, WARDS AND GENERAL POWERS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Minonk, in the county Woodford, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The city of Minonk," and by that name shall have perpetual succession, and may have and use a common seal, which they may change or alter at pleasure. Name and style.

§ 2. All that district of country embraced within the following boundaries, to-wit: The whole of section seven (7.) town twenty-eight (28) north, range two (2,) east of the third (3d) principal meridian, in Woodford county, Illinois, is hereby declared to be within the boundaries of the said city of Minonk. Boundaries.

§ 3. The present board of trustees of the town of Minonk shall, on or before the first Monday of September, Wards.

1867, divide the said city of Minonk into four wards, as nearly equal as practicable, particularly describing the boundaries of each.

Additions.

§ 4. Whenever any tract of land adjoining the city of Minonk shall have been laid out into town lots, and duly recorded, as required by law, the same shall be annexed to and shall form a part of the city of Minonk.

Powers of corporation

§ 5. The inhabitants of the said city by the name and style aforesaid, shall have power to sue and be sued, to implead and to be impleaded, to defend and to be defended, in all courts of law and of equity, and in any actions whatever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the limits of the city, for burial grounds, or for other public purposes, for the use of the inhabitants of the said city; to sell, lease or convey property, both real and personal, for the benefit of the city, and to improve and protect such property, real and personal, and to do all other things in relation thereto as natural persons could or might do.

ARTICLE II.

OF THE CITY COUNCIL AND OF ELECTIONS.

Council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of one alderman from each ward, to be chosen by the qualified voters thereof, for the term of one year; but no person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, twenty-one years of age, and a citizen of the United States, and a resident of the ward from which he is elected.

Quorum.

§ 3. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members, under such penalties as they may, by ordinance, prescribe.

Journal of proceedings.

§ 4. The said council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered thereon. No alderman shall be appointed to any office created by this act. All the officers of the said city shall, before entering upon their respective duties, take an oath that they will support the constitution of the United States, the constitution of this state, and that they will well and truly perform, to the best of their ability, the duties of their said offices.

Tie vote.

§ 5. Whenever there shall be a tie in any election for city officers, the judges of the election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall, by ordinance, be prescribed. And all va-

cancies that occur in the offices of mayor, alderman or police magistrate, shall be filled by a special election; but vacancies occurring in all other offices may be filled by appointment.

§ 6. The general election shall be held on the first Monday in October in each year, at which the electors of all wards may attend and vote for the mayor and their respective aldermen; which said election may be held at any public and convenient place within the limits of the city. Elections.

§ 7. All male inhabitants of the said city who are entitled to vote for state officers by the laws of this state, shall be entitled to vote at the said election. Qualified voters

§ 8. The clerk of the city and the mayor shall be, *ex officio*, judges and inspectors of the elections, and the city marshal shall attend the same to preserve order and to keep the peace; and the city clerk shall give at least ten days' notice of the time and place of holding said election by posting written or printed notices of the same in at least three public places in the city. Inspectors of.

§ 9. The first election shall be held, conducted and returns thereof made by the present board of trustees [of the town] of Minonk, in such manner as they may, by ordinance, prescribe. First election.

ARTICLE III.

OF THE MAYOR.

§ 1. The mayor shall be the chief executive of the city; he shall be elected by the qualified voters of the said city, and shall hold his office for one year, or until his successor is duly elected and qualified. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall not be a freeholder thereof, or who shall not at the time of his election, be a legal voter or a citizen of the United States. Qualified mayor

§ 2. He shall preside at all meetings of the city council, and he shall have the casting vote, and no other. In case of his non-attendance at any meeting, the council may appoint a chairman, who shall preside at that meeting. Presiding officer

§ 3. The mayor, or in his absence, any two aldermen may call a special meeting, or may call a special election, and order the clerk to give due notice thereof. Stated meetings

§ 4. The mayor shall at all times be active and vigilant in enforcing the ordinances of the city, inspect the conduct of all subordinate officers of the city, and cause any negligence or violation of duty to be punished; communicate to the aldermen and recommend all such measures as in his opinion may tend to improve the finances, police, health, security, comfort or ornament of the city; and he is authorized to call upon every male inhabitant of the city over the Duties of mayor

age of eighteen years to aid in enforcing the laws and ordinances and to suppress riots, routs and affrays, and if any person so called upon shall refuse or neglect to obey such call, he shall be fined not exceeding ten dollars.

Marshal.

§ 5. The city marshal shall have power to arrest on view and without warrant, all persons who shall within the limits of the city, break or threaten to break the peace, and he may commit such persons to the calaboose, and detain them therein until the police magistrate is notified and his court is open for the trial of the said offenders.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Taxation.

§ 1. The city council shall have full power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the collection of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of officers.

§ 2. To appoint and remove from office a clerk, treasurer, marshal, assessor, collector, overseer of streets, and any other officer that may be necessary, and to fix their compensation, and to require of all such officers bonds, with sufficient penalty and security, for the faithful performance of their respective duties, and to require them to take and subscribe the oath hereinbefore mentioned before entering upon the discharge of their respective duties.

Borrow money.

§ 3. To borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than at ten per cent. per annum, nor shall the interest on the aggregate of all sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the city, and to appropriate money for the payment of the debt and expenses of the city.

Sanitary.

§ 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city, and to make all regulations to secure the general health of the inhabitants.

Nuisances.

§ 5. To declare what shall be a nuisance and to prevent and remove the same, and to dig wells and to erect pumps in the streets for the benefit of the inhabitants.

Improve streets.

§ 6. To open, alter, extend, widen, abolish, grade, establish, pave or drain, or otherwise alter and improve and keep in repair all streets, lanes, avenues and alleys; to establish, erect and keep in repair bridges, crossings and sidewalks, and to provide for lighting the streets and erecting lamp posts.

§ 7. To provide for the erection of all needful buildings for the use of the city for inclosing, improving and regulating all public grounds which may be owned by the city, and to provide by ordinance for the punishment of injuries done to trees and all other improvements thereon.

Public buildings and grounds.

§ 8. To license, tax and regulate auctioneers, the keeping of billiard and roulette tables, saloon, eating and beer house keepers, venders of intoxicating liquors, hawkers, peddlers, pawbrokers, brokers and money changers, porters, shows of all kinds, exhibitions, concerts and amusements, drays, hackney carriages, wagons and carts, to establish the rates thereof, and the city council may for good cause revoke any license given by them as aforesaid.

Auctioneers, saloons, shows, vehicles, etc.

§ 9. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, gambling houses, bawdy and other disorderly houses, and groceries.

Disorderly houses.

§ 10. To provide for the extinguishment of fires, to establish, equip and organize fire companies, and to provide for taking the census of the city.

Fires, etc.

§ 11. To regulate the police of the city, to impose fines, penalties and forfeitures for the violation of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties, but they shall not impose a fine for the violation of any ordinance exceeding one hundred dollars.

Police, fines, etc

§ 12. To make all ordinances which shall be necessary and proper for the government of the city and for the protection of the inhabitants thereof, and to make, establish and ordain all necessary ordinances to carry into effect and execution the powers specified in this act, so that such ordinances be not repugnant to the constitution of the United States or this state.

Necessary ordinances.

§ 13. To erect and establish a watch house or calaboose, and make all necessary ordinances for the regulation thereof, in which said watch house or calaboose shall be confined all vagrants, stragglers, idle or disorderly persons, all persons who shall be guilty of a violation of any ordinance, and who shall refuse or be unable to pay the fine, penalty or forfeiture imposed upon them for such violation, and all persons who may be committed thereto by any conservators of the peace; but no person upon whom such fine, penalty or forfeiture shall have been imposed shall be confined therein a longer period than twenty-four hours for every three dollars of fine, penalty or forfeiture, or fractional part thereof.

Calaboose.

§ 14. To provide by ordinance that every person against whom any judgment may be rendered in favor of the said city for a fine or penalty for the violation of any ordinance, instead of being committed to the calaboose, may be required to labor on the streets until the whole fine or penalty and costs are paid, at the rate of one dollar per day.

Judgments

Road repairs.

§ 15. For the purpose of keeping the highways leading to the city passable, the city council may fill up any slough, or bridge, at their expense, any stream, or otherwise improve and keep in repair all main and public highways leading into the said city within five miles thereof.

Street labor.

§ 16. The city council shall have power to require every male inhabitant of the city, over the age of twenty-one years, to labor on the streets, lanes, avenues or alleys, not exceeding five days in each year; and any person so failing to perform such labor, when duly notified by the overseer, shall forfeit and pay one dollar for every day so neglected.

ARTICLE V.

OF THE ALTERATION OF STREETS.

Taking private property for public purposes

§ 1. Whenever it shall be necessary to take private property for opening, widening or otherwise altering any public street, lane, avenue or alley, the city shall make ample compensation to the person whose property is so taken. And if the amount of such compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. When all the owners of property on any street shall petition the city council to have the same opened or otherwise altered, no compensation shall be made to them.

Inquests.

§ 2. All persons empaneled to inquire into the amount of damages which shall happen to the owners of property taken for widening or otherwise altering any street, lane, avenue or alley, shall first be sworn to that effect, and they shall, within three days, make, in writing, their inquest, by them to be signed and returned to the mayor. And the mayor may, for good cause shown, within ten days after such return set aside such inquest, and cause a new one to be made.

Benefits and damages.

§ 3. In ascertaining the amount of compensation for the property taken, as aforesaid, the jury shall take into consideration the benefits as well as the injuries arising from such opening, or otherwise altering such street, lane, avenue or alley.

ARTICLE VI.

OF ORDINANCES.

Ordinances.

Publication of.

§ 1. The style of the ordinances of the city shall be, "*Be it Ordained by the City Council of the City of Minonk.*" And the said ordinances shall be published in a public newspaper of such city, or by posting written or printed copies of the same in three public places of the city, at least ten days before taking effect, and they shall not be in force until so published.

§ 2. All ordinances of the city may be proven by the seal of the city, and when published and printed in book or pamphlet form by the authority of the city council, they shall be received as evidence in all courts and places without further proof. Proof of.

§ 3. All ordinances and resolutions passed by the president and trustees of the town of Minonk, shall remain in force until they shall have been repealed by the city council. Remain in force

§ 4. In addition to the powers granted to the said city by this act, they shall enjoy all the privileges, rights and immunities, and shall be subject to the same liabilities as are all other cities and towns not incorporated by special act.

§ 5. This act shall be deemed a public act and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to repeal certain portions of a local act entitled "An act to levy taxes upon the property in certain towns therein named, to liquidate the indebtedness for building a bridge across the Kankakee river at Aroma, in Kankakee county." In force March 7, 1867.

WHEREAS, at the last session of the general assembly of the state of Illinois, an act was passed entitled "An act to levy taxes upon the property of certain towns therein named, to liquidate the indebtedness for building a bridge across the Kankakee river, at Aroma, in Kankakee county;" and, whereas, said act required the levying and collection of taxes for the purpose in said title mentioned, in the towns of Popeneau and Beaver, in the county of Iroquois; and, whereas, the said towns of Popeneau and Beaver, through and by their supervisors, have procured an injunction against the levying and collection of said taxes, on the ground of unconstitutionality, which injunction suit is still pending, and undetermined; and, whereas, the said bridge has continued to be a toll bridge, notwithstanding the passage of said act; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said act, the title of which is recited in the foregoing preamble, and which was approved February 16, 1865, so far as the same relates to the county of Iroquois, and requires the levying and collection of taxes for the liquidation of indebtedness incurred by the Aroma bridge committee, or for any other Act repealed.

purpose connected with said bridge, be and the same is hereby repealed.

§ 2. This shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March
6, 1867.

AN ACT to change the name of the town of Wilson to Illiopolis.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Wilson, in Sangamon county, be and the same is hereby changed to Illiopolis.

§ 2. This act shall be in force from and after its passage.

APPROVED March 6, 1867.

In force March
6, 1867.

AN ACT to incorporate the town of Shipman, Macoupin county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Shipman, in the county of Macoupin, are hereby made a body corporate and politic, under the name and style of "The president and board of trustees of the town of Shipman," and by that name shall have perpetual succession, and a common seal which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

§ 2. The boundaries of said corporation shall include, in addition to all of the present town of Shipman, an addition as recorded in the recorder's office in the town of Carlinville, a strip of land one-fourth of a mile in width around the entire town of Shipman aforesaid.

§ 3. Whenever any addition of town lots shall be made adjoining said incorporation, and shall have been properly recorded as required by the laws of Illinois, the same shall become and be a part of said corporation as fully as if they had been originally included in said corporate limits.

Powers of incorporation.

§ 4. The inhabitants of said town shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity in any and all actions at law; to purchase, receive and hold property, both real and personal, for the benefit of said incorporation,

or to sell, lease or dispose of the same for the benefit aforesaid.

§ 5. On the first Monday in April, in the year of our Lord one thousand eight hundred and sixty-seven, the said inhabitants shall meet at some public place in said town, and elect five trustees from among the legal voters of said town, in whom shall be vested the corporate powers and duties of said corporation; and the persons so elected shall hold their office for one year from the date of their election, and until their successors are duly elected and qualified; and the elections for trustees thereafter shall be annually, on the first Monday in April, forever thereafter, or until the time shall be legally changed: *Provided*, no election shall be held unless notice shall have been given at least ten days by posting up written or printed notices, in at least three public places in said town, of the time and place of holding said election, and the offices to be filled; which may be given at the first election, to-wit: On the first Monday in the month of April, 1867, by any person; but at all succeeding elections by the said board of trustees.

Election of trustees.

Proviso.

§ 6. No person shall be eligible as a trustee of said town, who shall not have arrived at the age of twenty-one years, and who shall not have been a resident of said town at least one year immediately preceding the said election, and who shall not be a freeholder in said town at the time of his election. All free white male inhabitants over the age of twenty-one years, who shall have resided in said town six months preceding any town election for trustees, shall be entitled to vote at such election.

Eligibility to election.

§ 7. And the said trustees, at their first meeting, shall proceed to elect one of their own board as president, and shall have power to fill by appointment, any vacancy or vacancies which may occur in said board by death, resignation or otherwise, who shall serve as such until the next annual election, and until their successors are elected and qualified. They shall also have power to appoint a town constable, assessor, treasurer, collector, clerk and street commissioner, all of whom shall be required to give bond with approved security, with such conditions and in such amounts as the said board may require; and who shall each also take an oath before a justice of the peace, or some person authorized by law to administer oaths, well and faithfully to perform their duties as officers of said corporation, to the best of their skill and abilities.

President.

Appointment of officers.

§ 8. It shall be the duty of said constable to execute all writs, precepts and processes which may be issued by any person authorized to issue the same, against any person for any violation of any ordinance of said town; and shall have the same powers and restrictions that other constables have; and whose fees shall be the same, so far as applica-

Constable.

ble to his duties, and shall hold his office for one year and until his successor is duly appointed and qualified.

Rules and regulations.

§ 9. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient and for the best interests of the citizens of said town; to order, establish and put into execution such by-laws, ordinances, and regulations as may seem necessary for the government of said town, and for the management, control and disposition of its corporate property, and generally to do and execute all such things which may seem necessary to them to do, not repugnant to the constitution or laws of the state of Illinois or of the United States.

Taxes.

§ 10. The said trustees shall also have power to levy and collect a tax, not exceeding one-half of one per cent. on all lots of ground, improvements and personal property within the limits of said corporation, according to its value; to tax shows, concerts, lectures or public exhibitions of any kind where an admittance fee is charged; which tax, when collected, shall be paid into the town treasury for ordinary purposes. All taxes levied under the provisions of this act shall be collected in the same manner as state and county taxes are now collected by law. They shall also have power to direct the improvement of the streets and sidewalks, and keeping the same in repair; the erection and repairing public buildings and any other works of public utility, and order the treasurer to pay for the same out of any money in the treasury not otherwise appropriated.

Street improvements.

§ 11. The board of trustees shall have the right and power to regulate, grade and improve the streets, for which purpose they may levy a road labor tax of not less than three nor more than five days for each year, upon every able-bodied male resident over the age of twenty-one and under the age of fifty years, to be collected and applied in such manner as they may determine and direct.

Liquor traffic.

§ 12. The said board of trustees shall also have power to regulate, license, suppress or prohibit the selling, bartering, exchanging or traffic in, or giving away as a beverage, any ale, wine, rum, gin, brandy, whisky or any other intoxicating liquors, within the limits of said corporation, and may pass ordinances fixing the amount and nature of punishment or fine to be assessed on any person who shall violate any of the provisions of this section, or permit the same to be done on his, her or their premises.

Nuisances.

§ 13. The said board shall have power to declare and define what shall be deemed nuisances, and to pass ordinances for abating the same and for punishing the authors thereof.

§ 14. To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses and other animals, and define the punishment therefor. Animals at large

§ 15. It shall be the duty of any justice of the peace in said corporation, and he is hereby authorized and empowered, on view or upon complaint being made to him, upon oath, of the violation of any law or ordinance of said town, to issue his warrant directed to the town constable, or to any authorized person, to apprehend the offender or offenders, and bring him or them forthwith before him; and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance as charged, he shall impose such fine or imprisonment as may be provided, for the offense committed, by the ordinance or law of said corporation, to provide for the punishment of any offender who shall fail or refuse to pay any fine which may be legally assessed against him or them. Justice of the peace.

§ 16. The inhabitants of said corporation shall be exempt from the performance of road labor, or the payment of road tax levied by authority of the county court; and the entire jurisdiction and control of all the roads, bridges, and highways, shall be held and exercised by said board of trustees of said town. Exemption from road labor.

§ 17. This act is hereby declared to be a public act, and shall be in force and take effect from and after its passage.

APPROVED March 6, 1867.

AN ACT to incorporate the town of Atkinson, in Henry county.

In force March
7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Atkinson, in the county of Henry and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Atkinson," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed; and may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity and in all actions and matters whatsoever; may purchase, receive, hold and grant real and personal property, within the limits of said town, and no other, (except for burial grounds,) and may use, sell Name and style.

Powers.

and lease the same; and do all other acts, as natural persons, which may be necessary to carry out the powers hereby granted.

Boundaries.

§ 2. The boundaries of the corporation of said town shall be as follows: It shall be and include the south-east quarter of the south-west quarter of section twenty-seven; the east half of the north-east quarter of section thirty-four, (being part of village plat;) north-east quarter of the south-west quarter of section thirty-four; the north half of the south-east quarter of section thirty-four; the north-east quarter of section thirty-four, (being part of village plat;) the south half of the south-east quarter of section twenty-seven; the south west quarter of the south-west quarter of section twenty-six; the west half of the north-west quarter of section thirty-five, and the north-west quarter of the south-west quarter of section thirty-five: *Provided, nevertheless*, the president and trustees of said town may, at any time, by ordinance, prescribe other and different boundaries for said town, not exceeding two miles square, nor diminishing less than one-half mile square.

Proviso.

Term of office.

Elections.

Qualified trustees.

Meetings.

Quorum.

Vacancies.

§ 3. The present president and trustees of said town, as incorporated under the general act of incorporation, shall hold their offices until the third Monday in January, next, and until their successors are elected and qualified. And on the third Monday in January, next, and every year thereafter, an election shall be held for five trustees of said town, who shall hold their office for one year and until their successors are elected and qualified; and ten days' public notice of the time and place of holding an election for trustees shall be given by the president or clerk of said board by advertisement in any weekly paper published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected trustee of said town who shall not be qualified to vote for state and county officers, and who shall have been a resident and *bona fide* freeholder, for one year, within the incorporated limits of said town.

§ 4. The trustees of said town shall, at their first meeting—which shall be within ten days after their election—elect one of their number president, and also appoint a clerk of said board of trustees; and, also, shall be judges of the election, qualifications and returns of their own members—a majority of whom shall constitute a quorum to do business, but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and, by a vote of three-fifths of the whole number elected, expel a member; and make such other rules and regulations for their government as may seem proper and expedient, and shall have power to fill any vacancies in the board of trustees occasioned by death, re-

signation, removal, or continued absence from the town for three months or otherwise.

§ 5. That at any election for trustees, every person who shall be qualified to vote for state and county officers, and shall have been a resident, within the incorporated limits of said town, for sixty days previous to such election, may enjoy the right of an elector; and all elections for trustees shall be by ballot, and held and conducted as elections are held at town elections under the township organization law: *Provided, nevertheless*, that the election may be opened and closed at any time, to be set forth in the election notices. Qualified voters

§ 6. The president and trustees of said town shall have power—

First.—To cause all streets, alleys and public roads, within the limits of said corporation, to be kept in good repair, and to this end may require every male resident of said town, over the age of twenty-one years, to labor on the same not exceeding three days in each year; and to appropriate so much from the general funds of the corporation as they shall deem necessary therefor; and provide, by ordinance, as they may think best, for the collection of fines for refusal to labor on the highways, at the rate of one dollar and fifty cents for each day's labor assessed. Street labor.

Second.—To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, alley, lane or public grounds or roads, within the limits of said town. Alterations of streets.

Third.—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or alley in said town, and may levy and collect, from time to time, a tax upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered or proposed to be made, constructed or kept in repair. The president and trustees shall provide, by ordinance, for the levying and collecting of said tax, and shall cause the same to be entered on the records of the corporation, and the number of the lot or lots upon which the tax is proposed to be collected and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court. It shall then be collected in such manner as county taxes are collected. Sidewalks, etc.

Fourth.—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one per cent. per annum upon the assessed valuation thereof, in the same manner as is provided in the preceding article. Taxes.

Fifth.—To restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, and other animals; to authorize the distraining and impounding and sale of the same, and to prohibit any indecent exhibitions of horses or other animals. Rates of.

Fifth.—To restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, and other animals; to authorize the distraining and impounding and sale of the same, and to prohibit any indecent exhibitions of horses or other animals. Animals at large

- Dogs. *Sixth.*—To prevent and regulate the running at large of dogs, and authorizing the destruction of the same when running at large contrary to any ordinance.
- Liquor traffic. *Seventh.*—To license, suppress and prohibit the selling, bartering, exchanging, giving away or traffic, in any form, of all wines, bitters, ale, cider, beer, gin, rum, brandy, whisky, or other intoxicating liquors, within the limits of said town.
- Riding and driving. *Eighth.*—To prevent horse-racing or immoderate driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street or alley or public road in said town.
- Pound. *Ninth.*—To establish a public pound, and to appoint a pound master and prescribe his duties.
- Billiards, etc. *Tenth.*—To license or suppress and prohibit any billiard table, Jenny-Lind table, roulett table or ball alley.
- Gambling, etc. *Eleventh.*—To prohibit and suppress all descriptions of gambling and fraudulent abuses, and all gambling establishments.
- Exhibitions. *Twelfth.*—To license, regulate and suppress all exhibitions of common showmen or shows of every kind, caravans or circuses and exhibitions or amusements.
- Saloons, etc. *Thirteenth.*—To license and tax saloons, groceries, auctioneers, merchants, peddlers, retailers, pawnbrokers and money changers.
- Sanitary. *Fourteenth.*—To make general regulations to secure the health of the inhabitants, and to declare what shall be a nuisance, and to prevent and remove the same.
- Water. *Fifteenth.*—To provide the town with water for the extinguishment of fires and convenience of the public.
- Buildings. *Sixteenth.*—To provide all needful buildings and furniture for the use of the town, and compensation to the officers of the town, and provide for the payment of any debts and expenses.
- Recording ordinances. *Seventeenth.*—To provide for the recording of all by-laws and ordinances of the town, and also to appoint a treasurer and street commissioner, and prescribe their duties; and they may require bonds from the several officers for the faithful performance of their several duties.
- Officers. *Eighteenth.*—To require of any railroad company within their corporate limits to make and keep in repair suitable crossings upon the streets, alleys or public roads, crossing the railroad grounds and tracks, and to regulate the speed of engines and trains running through the corporate limits of the town.
- Railroad crossings, etc. *Nineteenth.*—To improve all public grounds and protect the same, and to provide for the protection of trees from injury by horses or other animals.
- Public grounds.

Twentieth.—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines and forfeitures and penalties for the breach of any ordinances or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, except for assault, assault and battery, riot, affrays, shall any fine exceed twenty dollars.

Necessary ordinances.

Fines, etc.

§ 7. The president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute any writ, process or precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to perform any and all other duties which are now or shall hereafter be prescribed by any general statute of the state to be done or performed by constables of Henry county: *Provided*, any other constable of the county may execute any process or do any thing required of any constable by virtue of this act.

Town constable

§ 8. At the next election of the board of trustees, and every four years thereafter, there shall be elected by the legal voters of the corporation, one justice of the peace for the corporation, who shall hold his office for the term of four years, and until his successor is duly elected and qualified. Said justice of the peace shall qualify in the same manner provided by law for justices of the peace of towns, and shall be commissioned by the governor, the same as in other cases of justices of the peace; and [it] shall be his duty upon the complaint on oath being made to him of the violation of any law or ordinance of said corporation, to issue his warrant directed to any constable to apprehend the person or persons so offending, and bring him or them forthwith before him; and if it shall appear from the testimony that the accused has been guilty of the violation of any law or ordinance of the corporation, the said justice shall impose such fines as may be prescribed in such law or ordinance: *Provided*, that where the judgment exceeds five dollars an appeal may be taken to the circuit court of the county, as in other cases: *And, provided*, that in no case shall the president or trustees be required to give bail or security for costs in any case where they may be a party in any suit or action.

Justice of the peace.

Impose fines.

Proviso.

§ 9. The justice of the peace elected in accordance with the provisions of the preceding section [shall] be clothed with the same authority and jurisdiction, and be empowered by and subject to all statutes governing justices of the peace of Henry county: *Provided, always*, that any justice of the peace residing within the corporation may perform

Justice's jurisdiction.

Proviso.

the duties of corporation justice of the peace until one is elected and qualified according to the provisions of the preceding section.

Disposition of fines, etc.

§ 10. All fines, forfeitures and penalties, and all money received for licenses, or for powers or privileges granted by this corporation, shall be paid to the treasurer of said town by the officer receiving the same, within five days of the time of receiving the same.

Promulgation of laws.

§ 11. That all ordinances of said town shall be written out and signed by the president and clerk, and published in a newspaper or posted up in three of the most public places in said town for ten days before said ordinance shall be in force.

Fees

§ 12. The justice of the peace and constable who may render services under this act shall be entitled to the same fees and collect them in the same manner as now is or hereafter may be required by law in other cases.

Exemption from road labor.

§ 13. The inhabitants of said town are hereby exempted from working upon any road beyond the limits of the corporation, and from paying any tax upon property within its limits, to procure laborers to work upon any such road: *Provided*, the electors may at their annual meeting vote upon the question of raising money to work upon roads leading to said town, and if a majority of the voters are in favor of raising a tax for such purposes, the president and trustees may levy and assess such tax upon all of the taxable property in said corporation.

Indebtedness

§ 14. The president and trustees shall have no power to borrow money or issue any evidences of indebtedness, at any time, for any amount above what may be provided for by taxes levied, or other certain sources of revenue, unless specially authorized so to do by a vote of a majority of the legal voters of the corporation voting at a meeting called for the purpose of raising money.

Elections legalized.

§ 15. That the election which was held in the village of Atkinson on the 12th day of January A. D. 1867, to vote for or against incorporation, and the election which was held on the 19th day of January A. D. 1867, for five trustees of said town, and all ordinances by them passed, and all ordinances and by-laws ordained and passed by the president and trustees of said town, now in office, not inconsistent with the laws and constitution of this state or the United States, are hereby legalized and declared valid in all respects whatever.

Evidence of act

§ 16. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state, without proof, and shall be construed liberally in all courts for the purposes therein expressed.

§ 17. This act shall be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Hillsboro, Montgomery county, Illinois." In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundaries of said corporation shall be as follows, to-wit: Beginning at the center of section one, township eight north, range four, west of the third principal meridian; thence north one-fourth of a mile, thence west to Shoal creek, thence south-westerly with the meanderings of said creek until it strikes a line running north and south through the center of section two, thence south to the south line of section eleven, thence east one mile, thence north to the place of beginning. Boundaries.

§ 2. The said president and trustees shall have full power to levy and collect a tax of three-fourths of one per cent. on all personal property and all real estate, and its appurtenances lying and being within the limits of said corporation, to be applied to the purposes named in the act to which this is an amendment, and also for the purpose of constructing culverts and bridges in the limits of said corporation. Taxation.

§ 3. The said president and trustees shall have full power to construct, or cause to be constructed, suitable and convenient sidewalks upon the streets within the corporate limits of said corporation, whenever in their judgment the public interest of said corporation may render the same necessary, and may pay for the same out of any general fund or tax of said town. Sidewalks.

§ 4. When any fine shall be imposed upon any person for the violation of any of the ordinances or by-laws of said corporation, execution shall be issued by the justice imposing the same, or by the clerk of the circuit court; if such fine shall be imposed in such court upon appeal, immediately upon the rendition of such judgment for the amount of such fine and costs of suit, and it shall be the duty of the town constable to execute the same as in other cases: *Provided*, that no execution shall be issued immediately upon the rendition of judgment, if the defendant shall pray an appeal and also execute bond to the satisfaction of the justice at any time during the day the judgment shall be rendered. Executions.

§ 5. Whenever the word "directors" occurs in the act to which this is an amendment, the word "trustee" shall apply and be understood and used instead thereof. Proviso.

§ 6. The ordinances and by-laws of said corporation, when printed in book or pamphlet form, purporting to be the ordinances and by-laws of said corporation, shall be received as *prima facie* evidence of their enactment, verity and due publication. Evidence of act

Assessments.

§ 7. It shall be the duty of the assessor of said corporation in assessing the taxable property of said corporation to adopt the assessment made by the county assessor, whenever he shall be required to do so by the ordinances of said corporation, or by the order of the president and trustees of said corporation, made and duly entered upon the books of said corporation.

Real estate—
taxes.

§ 8. Whenever it shall be necessary to sell either real or personal property for the non-payment of taxes, lying and being within the limits of said corporation, the same shall be sold in such a manner as may be provided by the ordinances of said corporation, and shall not be inconsistent with the constitution and laws of this state and the ordinances of said corporation, providing for the sale of real estate, for the non-payment of taxes, shall conform as near as may be practicable to the revenue laws of this state.

Conflicting acts
repealed.

§ 9. So much of the act to which this is an amendment as is inconsistent with the provisions of this act, be and the same is hereby repealed.

§ 10. This act shall be in force from and after its passage, and the same, as well as the act to which this is an amendment, is hereby declared to be a public law.

APPROVED March 7, 1867.

In force March
7, 1867.

AN ACT to incorporate the town of Newark.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Newark, in the county of Kendall, and state of Illinois, be and the same are hereby incorporated and constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Newark," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style

Boundaries.

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the southeast corner of the west half of section five, and running due north one mile, to the northeast corner of the said west half of section five; and thence due west one mile to the northwest corner of the east half of section six; and thence due south one mile to the southwest corner of the said east half of section six; and thence due east one mile to the point of beginning—both of which half sections hereby bounded and embraced, to-wit: the west half of section five, and the east half of section six, and being situated in township thirty-five north,

range six, east of the third principal meridian, in the county of Kendall, and the state of Illinois.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or without the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease, or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all the other acts and things in relation thereto that natural persons might do. Powers.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town, and the persons who are now trustees of said town, holding their offices under and by virtue of the general laws of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act, until the first Monday of March, in the year of our Lord one thousand eight hundred and sixty-seven, and until their successors are elected and qualified. Trustees.

§ 5. On the first Monday of March, in the year of our Lord one thousand eight hundred and sixty-seven, and ever afterwards, on the first Monday of March, in each and every year, an election shall be held in the said town of Newark, for the election of five trustees of said town. The persons so elected shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided within said town six months next preceding their election; and shall hold their office for the term of one year, and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act, or the ordinances of said town. Election of.

§ 6. The incumbent board of trustees shall give ten days' previous notice of all elections to be held under the provisions of this act, or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour at which they shall be closed. The voters who may be present at the time and place specified for holding any such election, shall, at the hour specified for opening the polls, appoint, by acclamation, three of their number to act as judges of such election; and the said judges shall appoint two clerks of such Publication of notice.
Judges—clerks

election. Said judges and clerks, before entering upon the duties of their offices, shall qualify in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot, and all persons who, by the laws of this state, are entitled to vote for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town, in such manner as may be provided by ordinance.

Qualified voters

Oath of office.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state, and that they will, to the best of their abilities, faithfully discharge the duties of their office. They shall hold at least

President.

one regular meeting every three months, and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be, by ordinance, provided. Said board may make such rules and regulations as to them may seem proper; they shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal, resignation, or continued absence from the regular meetings for the term of three months, or otherwise. They may punish their members for disorderly conduct, and by vote of three-fifths of all their members, they may expel a member from the board, and they shall also have power to remove from office (by a vote of three-fifths of all their members) any subordinate officer of said town, who holds his office by appointment of the board of trustees of said town.

Rules.

Appointment of officers.

§ 8. They shall have power, and it shall be their duty to appoint a clerk, town constable, treasurer, assessor, collector, and one or more street commissioners, and such other officers (if any) as may be necessary for carrying into effect the provisions of this act, and the ordinances of said town, and to require them, before entering upon the duties of their respective offices, to give such bonds and security as may be necessary to insure the faithful performance of their duties. They shall also require all persons appointed to office by them, before entering upon the discharge of the duties of their respective offices, to take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will faithfully, and to the best of their ability, discharge the duties of their offices.

Taxes.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within

said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances not repugnant to the constitution of this state or the United States. They shall also have power to appropriate money, and to provide for the payment of the debts and expenses of the incorporation.

§ 10. They shall have power to make regulations for Sanitary. securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof, by fines, penalties or imprisonment in the county jail of Kendall county, or by both such fines and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

§ 11. They shall have power, and it shall be their duty, Street labor. to cause all streets, alleys and public roads within said town to be kept in good repair; and for that purpose they may require every male resident of said town, over the age of twenty-one years, and not exceeding fifty years, to labor thereon not exceeding three days in each and every year, or to pay, at the time of being notified to work, the sum of one dollar and fifty cents for each day's labor thereby required of him; and if the labor and money performed and received be not sufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor; and the inhabitants of said town shall be exempt from working on any road outside of the same.

§ 12. They shall have power to open, alter, vacate, Street improve-
ments. widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley, public grounds and public roads within the limits of said town, and to establish, erect, construct, build and keep in repair bridges, culverts, sewers, sidewalks, pavements and cross-ways, and to regulate the construction and use of the same, and punish the abuse thereof; and to levy and collect, from time to time, a tax on the lot or lots in front of which such sidewalk or sidewalks, pavement or pavements, shall be ordered and proposed to be made or repaired: *Provided*, that every such Proviso. tax shall be levied on such lots proportionate to the length of their respective fronts: *And provided, further*, that such tax shall not exceed one-half of the actual cost of such making or repairing, and that the other half of the cost of such making or repairing shall be paid out of the general fund of the corporation: *Provided*, that the tax provided for in this section shall not be taken or held to be any part of the tax provided for in section nine of this act.

Wells.

§ 13. They shall have power to provide the town with water; to sink and keep in repair public wells; and to erect and keep in repair such public buildings as the necessities of the town may require, and provide for the inspection and weighing of hay, stone-coal and building stone, and the measurement of wood, fuel and building stone, to be used in said town.

Forage and fuel

Merchants, etc.

Combustibles.

Gambling.

Disorderly
houses.

§ 14. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gun-powder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, bawdy houses, houses of ill fame, and all other disorderly houses, within said town, and one mile from the limits of said town.

Exhibitions, etc

Offenders.

Indecencies

§ 15. They shall have power to tax, license and regulate, or suppress and prohibit, all exhibitions of common showmen, shows of every kind, caravans, circuses, and exhibitions and amusements of every kind, unless gotten up in said town by citizens of the said town. They shall also have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affrays, routs, riots, disturbing the peace of the inhabitants, or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind, within the limits of said town; to prohibit and impose penalties on the authors thereof; any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication, within the limits of said town.

Dogs.

Fire-arms.

§ 16. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets, or other fire-works or combustibles, within said town.

Street obstructions.

Animals at large

Riding and driving.

§ 17. They shall have power to prevent the incumbering of any street, lane, avenue, road, alley, or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals, attached to vehicles, or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, sheep, hogs or other animals running at large within said town, and to provide for distraining and impounding any such animal or animals, and the sale thereof to satisfy costs and charges, any penalty or penalties incurred under any ordinance of said town; to prevent racing within said town with horses or other animals; to

prevent any immoderate riding or driving of horses or other animals within said town, and also to prohibit and punish the abuse of any and all animals within said town.

§ 18. The said president and trustees of the town of Newark shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any manner trafficking in any wine, rum, gin, brandy, whisky, ale, beer, or other intoxicating liquor, within the limits of said town, and may, by ordinance, declare any such selling, bartering, exchanging, giving away, or trafficking in any manner in any such wine, gin, rum, brandy, whisky, ale, beer, or other intoxicating liquor, within the corporate limits of said town, and the place or places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same power and authority to provide for prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise, by virtue of section ten of this act, in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes, under such rules and regulations as they may prescribe.

Liquor traffic.

Proviso.

§ 19. They shall have power to direct the location and regulate the construction and management of tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the construction and management of, or to restrain, abate and prohibit, within said town, and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal, and such other substances as may be rendered or tried, and other establishments or places where nauseous, offensive or unwholesome business may be carried on.

Nauseous and offensive establishments.

§ 20. They shall have power to restrain and prohibit vagrants, mendicants, beggars, prostitutes, and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley, or other public place in said town.

V etc.

§ 21. They shall have power to make such regulations for the prevention and extinction of fires as they may deem expedient, and for that purpose they shall have power to procure fire engines and such other apparatus as are usually employed for the extinction of fires, and shall have the charge and control of the same. They shall also have power to organize fire, hook, hose, ax, and ladder companies, and to make rules and regulations for the government of the same.

Fires, etc

§ 22. They shall have power to enlarge the boundaries of [said] town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said

Enlargement of boundaries.

town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town, and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at such election to make such enlargement.

Needful ordi-
nances.

§ 23. They shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the better regulation of the internal police of the said town, not inconsistent with the constitution of this state or with the United States, and to cause the same to be executed. They shall also have power to impose fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment in the county jail for any one offense of more than six months.

Fines.

Proviso.

President and
duties, etc.

§ 24. The president shall preside at all meetings of the board, when present, and in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars nor more than twenty-five dollars. He shall have power whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers; and shall have power, and it shall be his duty, to do all other acts and things that may be required of him by the laws and ordinances of said town.

Police magis-
trate.

§ 25. The present police magistrate of said town of Newark, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February twenty-seventh, eighteen hundred and fifty-four, (Feb. 27, 1854) shall be deemed to hold his office under and by virtue of this act, until the expiration of his term of office. At the last election for trustees of said town previous to the expiration of the term of office of the present police magistrate of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex-officio*, a justice of the peace for the county

of Kendall. He shall qualify in the same manner, and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Kendall might have and exercise in similar cases.

§ 26. Said police magistrate shall be a conservator of the peace of said town of Newark, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws or ordinances of said town, or this act, and shall, in such cases, possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, A. D. 1854. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Exclusive jurisdiction of.

Vacancy.

§ 27. He shall in all cases be entitled to the same fees and emoluments that are by laws of this state allowed to other justices of the peace for similar services. In case of the absence of said police magistrate, or of his inability, any other justice of the peace of said county of Kendall, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the said police magistrate possesses in like cases. The rule of practice and proceedings in all cases arising out of the laws or ordinances of said town, shall conform to the practice and proceedings before other justices of the peace, except cases where such rules of practice and proceedings shall be changed or modified by the laws or ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Fees, etc.

Absence, etc.

Rules of proceedings.

§ 28. In all cases arising under any ordinance of said town or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of the said county of Kendall, in the same manner as is provided in other cases, before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town, or under this act, if either party wishes to appeal, he or they shall give notice in writing thereof to the justice of the peace before whom the case was tried, on the day of trial thereof, and shall file the necessary appeal bond with such justice of the peace within five days from the day of trial.

Appeals.

Provido.

constable.

§ 29. The town constable of said town shall qualify in such manner as the board of trustees may by ordinance prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town, or any other justice of the peace of said county of Kendall. He shall have and may exercise in all cases the same power and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to like fees for his services, and shall in all cases of nonfeasance and misfeasance of duty be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Processes.

Arrests.

§ 30. In all cases arising under the laws or ordinances of said town, any constable of the county of Kendall shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblage of any kind within said town, it shall be his duty to make immediate arrest of such person or persons on view, without warrant; and in all such cases, any constable of the county of Kendall shall have the same power of arrest, without warrant, as the said town constable in such cases would possess; and in all such cases of arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested, and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein in all respects the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

Collection of taxes.

§ 31. Until the board of trustees of said town of Newark shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the same manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Prosecutions.

§ 32. All prosecutions, under the laws and ordinances of said town of Newark, for assaults, assault and battery,

affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and cases in which the penalty attached by the law or ordinance of said town is imprisonment in the county jail of said county of Kendall, shall be (except in cases of arrest without warrant, as hereinbefore provided,) commenced by complaint and warrant in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases, for justices courts, by the laws of this state, except when the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding—in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town.

§ 33. In all other cases, for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by action of debt, in the name of "The President and Trustees of the Town of Newark;" and in all such actions of debt the first process shall be by summons, to be issued, served and returned as other summons and actions of debt issued by justices of the peace of said county of Kendall, unless some competent person shall, before the commencement of any such action of debt, file with the justice of the peace before whom such writ is about to be commenced an affidavit, accusing the person or persons about to be sued with some one or more violations, of the same nature, of the laws or ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or persons, so accused, shall be forthwith arrested and brought to trial, there is danger that the penalty or penalties in such case shall be lost, and specifying the facts on which this belief is founded; in which case, if the said police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinion set forth in such affidavit is correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him, and he shall proceed at once to the trial of such suit, which shall be by action of debt for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid; and if the said defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, the police magistrate or justice of the peace before whom such suit is tried shall enter judgment thereon for the amount of the fines assessed and the cost of suit as in other cases.

Recovery of penalties, etc.

Actions of debt
for offenses
committed.

§ 34. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege and prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall, in no case, exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town.

Security
costs. for

§ 35. The president and trustees of said town shall not, in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees, or any other officer of said town, shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town.

Judgments.

§ 36. Upon the rendition of any judgment, for a breach of any law or ordinance of said town, the police magistrate or other justice of the peace, rendering such judgment, shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of the defendant or defendants, not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon that he can not find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, then the said justice shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall arrest such person or persons, and convey him, her or them to the jail of the county of Kendall, there to remain forty-eight hours, and if the said fines and costs exceed the sum of five dollars, then to remain in said jail twenty-four hours for every two dollars over and above the said five dollars: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of said county of Kendall, to have the same levied upon real property, and shall signify the same to such justice, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases, and such judgment shall have, from the date of filing of such transcript, the same force and effect as judgments rendered in said circuit court in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act, or under any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time re-

PROVIDED.

quired, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such payment.

§ 37. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same, before opening or altering such street or alley, or before taking any private property for public use; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors empaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall first be sworn to that effect. They shall then proceed to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof, by such taking and the proposed use of such property, they shall, within ten days, make out and return their verdict, in writing, signed by each of said jurors, to the police magistrate of said town, assessing to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their clerk or attorney, and the owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may, at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Kendall. When any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate and entered on his docket, unless set aside or appealed from, it shall be a judgment against the president and trustees of said town of Newark, in favor of such owner, including therein the amount of damages thereby assessed to him; and in case the sum assessed to any owner exceed one hundred dollars, the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Kendall county a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court in the same manner as other transcripts from justices' dockets; and shall, from the time of such filing, have all the force and effect, in favor of the person or persons entitled to such damages, as a judgment obtained in said circuit court.

Taking private property for public use.

§ 38. All ordinances and resolutions heretofore passed by the president and trustees of said town of Newark,

Ordinances in full force.

which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them, prior to the taking effect of this act, shall be vested in, and be prosecuted and recovered by, the corporation hereby created.

Vested corpora-
tion property.

§ 39. All property belonging to the president and trustees of the town of Newark, for the use of [the] inhabitants of said town, shall, upon the taking effect of this act, be vested in the corporation hereby created, and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which may have accrued to them prior to the passage of this act.

New_trials.

§ 40. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town, or any justice of the peace of the county of Kendall, the court shall, for good cause shown, have power to set aside the verdict of the jury, and grant a new trial of the case: *Provided*, that the application for setting aside such verdict is returned into court.

Duties of clerk.

§ 41. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record book of the corporation of the said town of Newark, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Newark, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed thereon by the president and clerk of the board of trustees with their own proper signatures; and said clerk, at the time of making such record, shall attach thereto the common seal of the corporation, and shall also note the date of the adoption and of the publication and the time of the taking effect thereof.

Publication of
ordinances.

§ 42. In all cases of assault, assaults and batteries, affrays, riots, routs, disturbing the peace, disturbing any public meeting, and unlawful assemblages of any kind, committed within said town of Newark, after the passage of said act, and before the board of trustees of said town shall have provided by ordinance for the punishment of any such offense, the criminal laws of the state of Illinois, applicable to such offense, shall be deemed and held to be in full force and effect, as to any such offense or offenses. Criminal laws
of state in force

§ 43. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the town of Murrayville, Morgan county, Illinois. In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Geo. W. Fanning, Willis McLang, Robert D. Neal, John Sims and James Duckworth, of the town of Murrayville, in Morgan county, are hereby recognized and constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Murrayville," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The aforesaid corporators and their successors, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, hold and receive property, both real and personal, beyond the said town, for burial grounds or for other public purposes, for the use of the inhabitants of said town; to lease, convey or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons. Powers, etc.

§ 3. The boundaries of said town shall be one mile square. The center of the original town plat in said town shall be the center of said mile square, and all the lands within said limits shall be considered as the town of Murrayville. Boundaries.

§ 4. The aforesaid corporators shall continue in office until the first Monday in October next, and until their suc- Election of officers.

cessors are elected and qualified, and on the first Monday in October next, and annually thereafter on the same day, an election shall be held for five trustees, who shall hold their offices for one year, and until their successors are elected and qualified. The board of trustees whose term of office is about to expire, shall always give notice of such election by having written or printed notices thereof posted up in three public places in said town, at least one week previous to said election; and one of the members of said board, together with the clerk of the corporation shall hold the said election, and give certificates of election to the five persons receiving the greatest number of votes; and whenever there shall be a tie in such election they shall certify the same to the said board, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Trustees. § 5. Every trustee of said town shall, at the time of his election, be at least twenty-one years of age, a citizen of the United States, and shall have resided at least six months within the limits of the corporation. Every *bona fide* resident of said town, possessing the required qualification to vote for state officers, shall be entitled to vote for trustees.

Oath of office. § 6. The trustees, before entering upon the duties of their office, shall severally take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities.

Quorum. § 7. A majority of said trustees shall constitute a quorum to do business. The said trustees shall elect one of their own body to be president of the board, who shall hold his office for one year, until his successor shall be elected and qualified. The president of the board shall be chief executive officer of the corporation, and shall be vested with such powers and authority as may be conferred upon him by ordinance.

Vacancies filled § 8. If any trustee shall, during the time for which he has been elected, remove from said town, his office shall be vacated. The board of trustees shall have power to fill vacancies in their own body, occasioned by death, resignation or removal from town of any member.

Taxes § 9. The board of trustees shall have power and authority to assess and collect taxes uniform in respect to persons and property, for corporate purposes, upon all the real and personal estate within said town, not exceeding one-half per cent. per annum upon the assessed value thereof, as ascertained and returned by the assessor of this corporation, and may enforce the payment of the same in any manner to be prescribed by ordinances, not repugnant to the constitution of the United States or of this state; and such ordinances may provide for the advertisement, sale and conveyance of

any such real estate for taxes unpaid thereon to said corporation, and the time and mode in which the same may be redeemed from such sale in the manner prescribed by the constitution and laws of this state.

§ 10. The said board shall also have power to require Street labor. every male resident of said town, over the age of twenty-one years and under the age of fifty years, to labor, under the direction of the supervisor, on the streets, lanes, avenues, and alleys, and upon the public roads passing from and through said town, for one mile from the center thereof, not exceeding four days in each year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar for each day on which he has neglected or refused to work.

§ 11. The said board shall likewise have power to tax Licenses. and regulate auctioneers, grocers, ordinaries, and all places where spirituous or fermented liquors are sold by less quantities than one gallon, and the vendors of the same, hawkers, peddlers, brokers, pawn-brokers and money changers; also, to license, tax and regulate theatrical and other public exhibitions, shows and amusements.

§ 12. They shall have power to erect a town hall and Buildings. other buildings for the use of said town; to provide pumps, wells and cisterns in the streets and upon the public grounds, for the convenience of the inhabitants, or for use in case of fire; to open, establish, grade, pave, or otherwise improve and keep in repair and free from incumbrances or obstructions, the streets, avenues, lanes and alleys of said town; to make, erect and keep in repair bridges, drains and sewers; to erect market houses and establish markets, and provide for the government and regulation of the same; and to provide for the weighing of hay and stone coal, and the measuring of charcoal, fire wood and other fuel to be sold or used in the said town.

§ 13. They shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the fixing of chimneys and flues thereof, and the manner of using stoves and stove pipes in dwelling houses, stores, offices, warehouses, and other buildings in said town; to regulate and order parapet Fences, etc. walls and partition fences, and to regulate the storage of gunpowder and other combustible materials.

§ 14. They shall have power to provide for inclosing, Cemeteries. improving and regulating all public grounds within said town, and the burial and other public grounds of the corporation beyond the said town, and for the punishment of injuries or damages done to trees, fences, buildings, monuments, or other improvements thereon.

§ 15. They shall further have power to make regulations Diseases. to prevent the introduction of contagious diseases in said town; to make quarantine laws for that purpose, and

enforce the same within five miles of the said town; also to establish a hospital or hospitals in said town, or within five miles of the same, for the treatment of any epidemic or contagious disease, and make regulations for the government of the same; also, to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance within the limits of the corporation, and to prevent and remove the same.

Riding and driving.

§ 16. They shall have power to regulate the speed of horses or other animals that may be rode or driven within the limits of the corporation, and to restrain and punish cruelty in the usage or treatment of animals within those limits; also, to restrain cattle, horses, sheep, swine and dogs from running at large in said town, and to provide for the security of wagons and other carriages which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses or other animals fastened to such carriages running with or breaking from the same.

Vehicles.

Offenders.

§ 17. They shall likewise have power to prevent and punish riots, routs, affrays, assaults, assaults and batteries, breaches of the peace, disturbance of worshipping assemblies, or of the deliberation or proceedings of public meetings, disorderly interruptions of any public lecture or licensed exhibitions, all indecent or obscene exhibitions or practices, and other disorderly conduct within the limits of the corporation: *Provided*, that no person shall be deprived of the right of trial by jury in any case when such person would be entitled to such trial for like offenses against the laws of the state.

Rights of trial by jury.

Fighting, horse-racing, etc.

§ 18. They shall also have power to prevent and punish battles by agreement, fighting matches, horse racing, and cock fighting within the limits of the corporation, and within two miles of the same.

Billiards—disorderly houses.

§ 19. They shall also have power to restrain, prohibit and suppress billiard tables, ball alleys, tippling houses, dram shops, gaming houses, bawdy houses and disorderly houses in said town, and within two miles of the limits of the corporation.

Police, ordinances, etc.

§ 20. They shall also have power to regulate the police of the town; to make all ordinances which may be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. The style of the ordinances of said board shall be, "*Be it Ordained by the President and Trustees of the Town of Murrayville.*"

Officers.

§ 21. There shall be annually chosen by the board of trustees a town clerk, a treasurer, an assessor, a supervisor,

and a town constable, who shall hold their offices respectively one year, and until their successors are appointed and qualified. The said board shall have power to define the powers and duties of all town officers, and fix their fees and compensations, and to regulate the fees of jurors, witnesses, and others, for services rendered under any ordinance; also to require of all town officers bonds, with penalty and security for the faithful performance of their respective duties as may be deemed expedient; and also to require all town officers to take an oath for the faithful performance of the duties of their respective offices. Said oath to be made, and said bonds, if required, to be given and approved by the board before the officer shall enter upon the discharge of his duties. The said trustees may also provide for removing any town officer from his office for cause, the accused being first furnished with the charges against him, and being heard, if he require it, in his defense.

Oath of office.

§ 22. The town constable shall be authorized to execute, anywhere within the limits of Morgan county, all writs, process and precepts which may be issued against persons or property, by any court of general or limited jurisdiction, by virtue of any of the powers specified in this act, and to arrest, on view, all persons who may violate any ordinance of the said corporation.

Constable.

§ 23. Fines, forfeitures and penalties which may be assessed or recovered for the use of said corporation, may be levied, in the first instance, by execution to be issued forthwith, of the goods and chattles of the offender, within the county; and the said board shall have power also to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recovered against them: *Provided*, that in all cases when persons are ordered to be imprisoned or committed to jail on conviction of offenses against the by-laws or ordinances of said town, the person so ordered to be imprisoned or committed may be compelled to labor on the streets or other improvements of said town, at the rate of one dollar per day, until satisfaction is made of the penalty imposed, or judgment recovered; during which time the parties so punished shall be furnished with healthy and suitable board and lodging, at the expense of the corporation, but which shall be charged against the party punished as costs.

Fines — forfeitures, etc.

§ 24. The said board shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Indebtedness.

§ 25. All ordinances passed by the said board shall be published in three public places in said town, by written or

Publication of ordinances.

printed copies, and shall not be in force until they shall have been published as aforesaid; and any of said ordinances shall be sufficiently proved in any court by the production of a copy of the same, certified by the clerk of the corporation, or a printed copy of the same, taken from a newspaper or pamphlet in which it has been published: *Provided*, the same purports to have been published by authority of the corporation.

Extension of
town lines.

§ 26. That the president and trustees of the town of Murrayville be and they are hereby vested with power to extend and open to the line, commencing at the center in said town, two miles square; any street, or lane, or road, passing through the original town, or any addition thereto, whenever the public interest or convenience may require the same; and whenever the right of way for any such extension can not be obtained by contract, the board of trustees may proceed to obtain the same under the provisions of chapter XCII, code of 1845, entitled "Right of Way."

Justices of the
peace.

§ 27. In cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and appeals may be taken and writs of *certiorari* allowed from any such decision in the same manner as now is, or hereafter may be provided by law for appealing from judgment of justices of the peace.

repealed.

§ 28. All acts or parts of acts coming within the provisions of this act, contrary to or inconsistent with its provisions, are hereby repealed.

§ 29. This act is hereby declared to be a public act, to be received and used in all courts without proving or pleading the same, and shall take effect from and after its passage.

APPROVED February 22, 1867.

In force Feb'y
25, 1867.

AN ACT to incorporate the town of Geneva, Kane county, Illinois.

ARTICLE I.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of what is now known as the town of Geneva, in the county of Kane, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Geneva," and by that name shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds, and other public purposes; to sell, lease or convey property, real and personal, for the use of said town, and to protect and improve any such property, as the public good may require. Powers.

§ 3. The boundaries of said town shall be all of section three (3), north half of section ten (10), northwest quarter of section eleven (11), and the west half of section two (2). Boundaries.

ARTICLE II.

§ 1. The government of said town shall be vested in a town council, which shall consist of a president and four trustees, to be chosen annually by the qualified voters of said town, who shall hold their offices for one year, and until their successors are elected and qualified. Government.

§ 2. No person shall be a member of the town council unless he is an actual resident of the town at the time of his election, and a legal voter, and a freeholder therein. Eligibility of officers.

§ 3. If any member of the town council shall, during the term of his office, remove from the town or dispose of his freehold therein, his office shall thereby become vacant. Vacation of office.

§ 4. The town council shall appoint, annually, three legal voters of the town, whose duty it shall be to act as judges of elections therein; and shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections in such manner as is now provided by law in this state, in cases of contested elections. Judges of elections.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance; and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with a concurrence of three-fourths of their members, expel a member. Quorum.

§ 6. The town council shall keep a journal of its proceedings. Journal.

§ 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath before a justice of the peace or any person authorized to administer oaths in said county, that he will support the constitution of the United States and of this state, and that he will faithfully perform the duties of his office according to the best of his ability; and there shall be at least one regular meeting of said council in each Oath of office.

month, at such times and places as may be designated by ordinance.

Tie vote.

§ 8. Whenever a tie shall occur in the election of a member or members of the town council, the judges of election shall certify the same to the justice of the peace of said town, hereinafter provided for, who shall determine the same in such manner as is now provided for by the general laws of this state in such cases.

ARTICLE III.

ELECTIONS.

Elections.

§ 1. On the first Monday of May next an election shall be held in said town of Geneva, for the election of the five members of the town council, and Andrew McWayne, Edward Bunker and Julius Alexander shall be the judges of the first election for said council; and forever thereafter, on the first Monday of May of each year, an election shall be held for said officers.

Justice of the peace and constable.

§ 2. On the first Monday of May an election shall be held in said town of Geneva, for an election of a justice of the peace and constable for said town, who shall hold their office for four years, and until their successors are elected and qualified.

§ 3. For the election of a justice of the peace and constable, the said town of Geneva, as herein defined, or as may hereafter be extended or limited by ordinance, shall constitute an election precinct, and the first election of said officers shall be held on the first Monday of May, and conducted and returns thereof made, as is now provided for the election of justices and constables by statute, whose jurisdiction shall be the same as other justices and constables in this state.

Qualifications of voters.

§ 4. All persons who are entitled to vote for state officers by the laws of this state, and who shall have been actual residents of the said town thirty days next preceding any election held under the provisions of this act, shall be entitled to vote at any such election.

ARTICLE IV.

OF THE TOWN COUNCIL.

Levying taxes.

§ 1. The town council shall have the power and authority to levy and assess, and collect a tax or taxes upon all property, real, personal and mixed, within the limits of said town, which is now, or may hereafter be, subject to taxation for state or county purposes, not exceeding one per cent. per annum, upon the assessed value thereof, and may levy and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States of America or of this state.

§ 2. The town council shall have the power to appoint a clerk, treasurer, assessor and street commissioner, and all such other officers as may be by them judged necessary for carrying into effect the power conferred upon said corporation by this act, and to require them to give such bonds with such security, and take such oaths as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same, and who shall possess the same qualifications as are required of a member of the town council.

Appointment of officers.

§ 3. Also, to appropriate money, and provide for the payment of the debts and expenses of the town.

Appropriations.

§ 4. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent and remove or abolish the same.

Sanitary.

§ 5. To open, abolish, widen, alter, extend, establish, grade, pave or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges, drains and sewers, except any bridge across Fox river, within the corporate limits, the building and repairing of which shall be borne by the township of Geneva, in said county of Kane.

Street repairs

§ 6. To provide the town with water, to sink and keep in repair wells and pumps in the streets, alleys or lanes, for the convenience and good of the inhabitants, and to erect lamps in the streets, and light the same.

Water.

Lamps.

§ 7. To provide for the erection of all needful public buildings for the use of the town, to establish markets and market places, and for the government and regulation thereof, and to provide for the inclosing, laying off and improving all public grounds, squares and burial grounds belonging to the town.

§ 8. To provide for the protection and improvement of all public buildings owned by said town, and for the prevention and extinguishment of fires, and to organize and establish fire companies.

Fires, etc.

§ 9. To regulate partition fences, and to provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel, to be used in said town, and to appoint a sealer of weights and measures.

Forage and fuel.

§ 10. To provide for the taking the enumeration of inhabitants of said town, to regulate the fixing of chimneys and the flues thereof, and to regulate the storage of tar, pitch, rosin, gun-powder, or other combustible materials.

Census.

Chimneys, etc.

Combustibles.

§ 11. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers, and billiard tables.

Auctioneers, etc.

§ 12 To prohibit the sale of distilled, malt and fermented liquors; to restrain, prohibit and suppress tippling

Liquors.

- Gambling. houses, dram shops, gaming houses, billiard tables, bawdy houses and other disorderly houses, within said town, or within one mile of the limits thereof.
- Exhibitions. § 13. To license and regulate theatrical and other exhibitions, shows and amusements; to provide for the trial and punishment of persons who engage in assaults and batteries and affrays within the corporate limits of said town.
- Election of officers. § 14. To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office created by any ordinance.
- Compensation. § 15. To fix the fees and compensation of town officers, jurors, witnesses and others, for services rendered under the provisions of this act.
- Encumbrances. § 16. To prevent the encumbering of the streets, squares, lanes and alleys of said town; to regulate the setting and protect shade trees; to compel persons to fasten horses, mules and other animals, attached to vehicles, while standing upon any street, alley or lane or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalty or penalties upon the owner of any such animals, for the violation of any ordinance in relation thereto.
- Animals at large § 17. To prevent the running at large of dogs, and to provide for the destruction of the same when at large contrary to the provisions of ordinance in such cases made.
- Fire-works. § 18. To prevent the firing of squibs, rockets, guns, etc., or other fire-works or combustibles, within the limits of said town.
- Punishment of offenders. § 19. To provide for the punishment of persons who may at any time distract the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or of the town council while in session.
- Police. § 20. To regulate the police of the town, to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, in all cases the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act, or any ordinance made in pursuance thereof.
- Necessary ordinances. § 21. The town council shall have the power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require, so that the ordinances are not repugnant to or inconsistent with the constitution of the United States or of this state.

§ 22. The style of the ordinances of the town shall be, Publication of.
"Be it ordained by the Town Council of the Town of Geneva;" and all ordinances shall, after they are passed, be published in some newspaper published in said town, or made known by posting copies of the same in four public places in said town; and the certificate of the publisher of said newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance, and of its publication; and no ordinance shall take effect until published or made known as aforesaid.

§ 23. All ordinances may be proven by the seal of the Proof of.
 town; and when printed and published in book or pamphlet form, and purporting to be printed or published by authority of the town of Geneva, the same shall be received as evidence in all courts and places, without further proof.

ARTICLE V.

OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the President.
 council, when present; and in case of his absence at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president, or any two members of the council, may call special meetings of the same.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful neglect of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances; and any person who shall fail or refuse to obey such call shall forfeit and pay to said town the sum of ten dollars.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act.

ARTICLE VI.

MAGISTRATE AND CONSTABLE.

§ 1. The justice of the peace hereinbefore provided for Justices of the peace.
 shall be commissioned by the governor of this state, and he shall have and exercise the same power, authority and jurisdiction as is conferred by law upon other justices of the peace of this state, and shall have and possess the same qualifications as is required for a member of the town coun-

cil by section two of article two hereof, and who shall give bond and qualify in all respects as the justices of the peace are required by law to do.

Jurisdiction.

§ 2. He shall be a conservator of the peace for said town, and he shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace, and for any willful, corrupt misconduct, oppression or partiality, or palpable omission of duty in his said office, may be indicted in the circuit court of Kane county, and upon conviction shall be fined in a sum not exceeding two hundred dollars, and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of his judgment.

Fees.

Neglect of duty

Constable.

§ 3. The town constable appointed under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his power shall extend over the county of Kane, and he shall have the same power, jurisdiction and authority within the limits of said county, as other constables in all cases possess under the laws of this state, and shall give bond and qualify as the said board shall, by ordinance, prescribe.

The vote.

§ 4. If two or more persons shall receive an equal number of votes for the office of the justice, the town council shall determine the same by lot, in such manner as may be prescribed by ordinance.

Arrests.

§ 5. The said constable shall be authorized to arrest all persons on view, without warrant, who shall violate any of the provisions of this act or any of the ordinances of said town made in pursuance thereof, and take him or them before the justice of the peace of said town, to be tried and punished, if found guilty, according to the provisions of such act or ordinance.

Collector.

§ 6. He shall, *ex-officio*, be collector of said town, and shall give such bonds as the law of this state requires.

Refusal to act.

§ 7. In case of the absence, inability or refusal to act of said justice or of said constable, any justice of the peace having an office in said county, or any constable of said county of Kane, shall have power and authority to hear and determine all cases which may arise under the ordinances of said town, or to execute all process and writs which may be issued, in the same manner and with like effect as the justice and constable of said town herein provided for.

Change of venue

§ 8. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace, and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary or clerk to execute a

bond in the name of the corporation, in the form now or which may hereafter be provided by law in other cases, without other security, and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

ARTICLE VII.

§ 1. Whenever it shall be necessary to take private property for opening or altering any public streets or alleys in said town, the corporation shall make first just compensation to the owner or owners of said property, and pay or tender the same before opening the same; and in case the amount of such compensation can not be agreed upon, the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the justice of the peace of said town for that purpose.

Taking private property for public use.

§ 2. The said jurors so empaneled to ascertain the damages which will be sustained by the opening or altering of any street or alley, by any person or persons so owning property, shall first be sworn to that effect by said justice, and shall return to him their inquest, in writing, signed by each of said jurors, and by him laid before the town council at their first meeting thereafter, and either party may appeal therefrom to the circuit court of Kane county, in such manner and upon such terms as may be prescribed by ordinance.

§ 3. In the assessment of such damages the jury shall take into consideration the benefits as well as the injuries of the parties to be taxed for opening or altering a street or alley, by such opening or alteration.

§ 4. That the town council shall have power to levy and collect [a] special tax on the owners of the lots on any street, or part of a street, according to their respective fronts, for the purpose of making, grading or repairing the sidewalks on said street or part of a street.

§ 5. That the lot in front of which any sidewalk is made, shall be taxed to pay at least one-half of the expense of making such sidewalk, in addition to the regular tax, which shall be assessed and collected in the same manner as other taxes are.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Geneva are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by authority of the board of supervisors or other county authority; and the entire jurisdiction and control of roads, highways

Exemption from road labor.

and bridges, excepting any bridge crossing Fox river, in said town, shall be held and exercised by the town council by this act provided for.

Street labor. § 2. The town council, for the purpose of keeping the streets, alleys, lanes and avenues and highways in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under sixty, to labor on said streets, alleys, lanes, avenues and highways any number of days, not exceeding three in each year, or in lieu thereof may commute the same at one dollar per day; and any person failing to perform such labor, when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of two dollars to said town for each and every day so neglected and refused.

Fox river. § 3. Nothing in this act contained shall require the inhabitants of said town, in their corporate capacity, to build or repair any bridge crossing Fox river.

Punishments. § 4. The town council shall have power to provide for the punishment of offenders against any ordinance of said town by imprisonment in the county jail, not exceeding thirty days, for any one offense, in all cases where such offenders shall refuse to pay the fine and forfeitures which may be recovered against them.

Suits at law. § 5. All suits for fines or penalties in and for the violation of any ordinance shall be in the name of the town of Geneva; and the town council shall have power to regulate, by ordinance, the form and nature of the first and any subsequent process, and the mode of executing the same.

Securities for costs. § 6. The corporation hereby created shall not be required, in any suit brought for a violation of any ordinance of said town, to file, before the commencement of any suit or during the pendency thereof, any surety for costs.

Vested rights. § 7. All ordinances and resolutions passed by the president and trustees of the town of Geneva shall remain in force until the same shall have been repealed by the town council hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested in and prosecuted by the corporation herein created.

Vested property. § 8. All property belonging to the president and trustees of what was formerly the town of Geneva, for the use of the inhabitants of said town, shall, upon this act taking effect, be vested in the corporation hereby created, and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which have accrued to them prior to the passage of this act.

Vacancy. § 9. Whenever the justice herein provided for shall remove from said town, resign or die, or his office otherwise

be vacated, the town council shall immediately provide for filling such vacancy by election.

§ 10. All fines and forfeitures collected for penalties incurred within the limits of said town, shall be paid into the treasury of said town by the officers collecting the same. Disposition of
fines, penalties,
etc.

§ 11. The town council shall have the power to borrow money, on the credit of the town, not exceeding five thousand dollars in any one year, and pledge the revenue of the town for its payment, and issue bonds therefor, whenever the legal voters of said town shall authorize the same, by vote, at any annual or special election of said town. Indebtedness.

§ 12. This act is declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the town of Meredosia, Morgan county.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Meredosia, in the county of Morgan, are hereby constituted a body politic and corporate, by the name of "The President and Trustees of the Town of Meredosia," and by that name shall have perpetual succession, make and use a common seal, and alter it at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name.

§ 2. The boundaries of said corporation shall be and extend one-half mile east, one-half mile south, and one-half mile north of the center of the public square, and west as far as the center of the Illinois river—that is as follows: Beginning at a point one-half mile south of the center of the public square, thence east one-half mile, thence north one mile, thence west to the center of the Illinois river, thence down the center of said river to a point directly west of the place of beginning, thence east to the place of beginning, as published in the printed ordinances of said town, A. D. 1865. Said ordinances, together with all other ordinances passed by said board, are hereby legalized and may be read in evidence in all courts of law or equity in this state without proof: *Provided*, such ordinances, or any of them, are not inconsistent with the provisions of this act, or the laws of the United States or of this state. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; to purchase, receive and hold property, real and personal, beyond the Powers.

corporate limits, for burial grounds and other public purposes, for the use of the inhabitants of said town, to sell, lease or dispose of property, real and personal, for the benefit of said town, and improve and protect said property, and to do all other things in relation thereto, as natural persons.

Board of trustees.

§ 4. The corporate powers and duties of said town shall be invested in five trustees, who shall form a board for the transaction of business, and the persons who may be in office as trustees in said town, under the general incorporation law of this state, shall be deemed to hold their offices by virtue of this act until the first Saturday in December, anno domini one thousand eight hundred and sixty-seven, and until their successors are elected and qualified.

Election of officers.

§ 5. On the first Saturday in December next an election shall be held in said town of Meredosia, for the election of five trustees, one justice of the peace, and one constable of said town; and thereafter on the first Saturday in December in each year, an election shall be held for said officers. They shall be citizens of the United States, twenty-one years of age, and the trustees and justice of the peace shall possess a freehold estate within the limits of said town.

Qualifications of voters.

§ 6. All persons who are entitled to vote for state officers by the laws of this state, and who shall have been actual residents of said town thirty days next preceding any election held under the provisions of this act, shall be entitled to vote at any such elections.

President.

§ 7. The said trustees, at their first meeting, shall appoint one of their body president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections in such manner as may be provided by ordinance.

Duties and powers of trustees.

§ 8. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such fines and penalties as may be prescribed by ordinance, and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with a concurrence of two-thirds, or four, expel a member.

Manner of holding elections.

§ 9. All elections shall be held by ballot, and tie votes shall be decided by lot in presence of the board of trustees.

Oath of office.

§ 10. Each of the members of the board of trustees, before entering upon the duties of his office, shall take and subscribe an oath before some justice of the peace of said county that he will support the constitution of the United States and of this state, and that he will perform the duties of his office to the best of his ability; and there shall be at least one regular meeting of said board once in three months, at such times and places as may be prescribed by ordinance.

Appointment of officers.

§ 11. The board of trustees shall have power to appoint a clerk, treasurer, assessor, and one or more street commis-

sioners, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds and security as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same.

§ 12. The board of trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half per cent. upon the assessed value thereof, and assess and enforce the collection of the same, by any ordinances not repugnant to the constitution of this state; also to appropriate money and provide for the payment of debts and expenses of the town. Taxes.

§ 13. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent, abate or remove the same. General health.

§ 14. To open, abolish, alter, widen, extend, establish, improve and keep in repair streets, alleys and public grounds in said town, and erect, maintain and keep in repair bridges, drains and sewers. Street improvement.

§ 15. To provide the town with water, to sink and keep in repair wells, and to erect needful buildings for the use of the town, and to improve and to protect public buildings. Buildings.

§ 16. To provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel to be used in said town. Forage and fuel

§ 17. To license, tax and regulate auctioneers, merchants, grocers, eating houses and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials. Auctioneers, merchants, etc.

§ 18. To suppress gaming houses, bawdy houses, drinking or tippling houses, and all other disorderly houses within the limits of said town. The above shall apply, extend to, and include any boat or other floating structure, which shall be kept within two miles of the corporate limits of Meredosia, on the Illinois river, as a place of drinking, gaming, or for the purpose of prostitution; to license, tax, and regulate theatrical and other exhibitions, shows or amusements, and to provide for the trial and punishment of persons who may be engaged in assaults and batteries and affrays within the corporate limits of said town. Gaming, etc.

§ 19. To fix the fees and compensation of town officers, jurors, witnesses, and others, for services rendered under the provisions of this act. Officers' fees.

§ 20. To prevent the encumbering of the streets, alleys and public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other ani- Encumbrances.

imals, attached to vehicles, while standing upon any street, alley or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals, for the violation of any ordinance in relation thereto.

Animals at large. § 21. To prevent the running at large of dogs, and to provide for the destruction of the same when at large contrary to the provisions of ordinance in such cases made.

Fire-arms. § 22. To prevent the firing of squibs, rockets, guns or other fire-works or combustibles within the limits of said town.

§ 23. To provide for the punishment of persons who may at any time disturb the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or the board of trustees when in session.

Police. § 24. To regulate the police of the town; to impose fines and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in all cases, the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act, or any ordinance made in pursuance thereof.

§ 25. The board of trustees shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state.

Ordinances. § 26. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Meredosia;*" and all ordinances shall, within one month

Publication of. after they are passed, be published or made known by posting, in three public places in said town, copies of the same; and the certificate of the clerk of the town, under the seal of the incorporation, shall be *prima facie* evidence of such ordinance, and of its publication; and no ordinance shall take effect until published or made known as aforesaid.

Proof of. § 27. And all ordinances may be proven by the seal of the town; and when published or printed in book or pamphlet form, and purporting to be printed or published by authority of the town of Meredosia, the same shall be received as evidence in all courts and places, without further proof.

DUTIES OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the board, when present; and in case of his absence at any meeting of the board, the board shall appoint one of their number chairman, who shall preside at that meeting. Presiding officer

§ 2. The president or any two members may call special meetings of the same. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of subordinate officers, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants, over the age of twenty-one years, of said town, to aid in enforcing the laws and ordinances; and any and every person who shall fail or refuse to obey such call shall forfeit and pay to said town the sum of ten dollars. Enforcement of ordinances.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act. Exhibit books and papers.

MAGISTRATES AND CONSTABLES.

§ 1. It shall be the duty of the trustees of said town to give notice and cause an election to be held on the first Saturday in December next, for a justice of the peace and constable, who shall be elected by the qualified voters, within the corporate limits of said town, who shall take the same oath, execute the same bond, and be clothed with the same power, authority, jurisdiction, and subject to the same liabilities as other justices of the peace and constables, within the limits of this state, and shall hold their offices respectively two years from the first Saturday in December, A. D., 1867, and biennially forever thereafter, also shall hold their offices until their successors are elected and qualified. Election of justice and constable.

§ 2. For the election of a justice of the peace and constable of said town, shall be held at the same time and place as the election of trustees and the manner of holding all the elections required by this act, shall be held and conducted and returns thereof made as may be hereafter provided by the ordinances of the trustees of said town by this act created.

§ 3. The said justice of the peace shall be commissioned by the governor of this state, and shall be a conservator of the peace for said town, and shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall have the same fees and com- How commissioned.
Duties of.

compensation allowed for similar services under the laws of this state to other justices of the peace. In case of his absence or inability to act, any justice of the peace having an office in said town shall have power and authority to hear and determine all cases which may arise under the ordinances of said town.

Change of venue.

§ 4. In all cases arising under the ordinances of said town changes of venue and appeals shall be allowed as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bond.

Power and duties of constable.

§ 5. The town constable elected under the provisions of this act shall have power and authority to execute all processes issued for the breach of any ordinance of said town; and, for that purpose, his power and authority shall extend over the county of Morgan, and shall have the same power, jurisdiction and authority, within the limits of said county, as other constables, in all cases possess under the laws of this state, and shall give bond and qualify as said board shall, by ordinance, prescribe.

rests.

§ 6. The said constable shall be authorized to arrest all persons, on view, without warrant, who shall violate any of the provisions of this act or any of the ordinances of said town made in pursuance thereof, and to take him, her or them before the justice of the peace of said town to be tried and punished as may be prescribed by ordinance. In case of the absence or inability of said constable to act, any constable of said county of Morgan shall have power and authority to execute all processes and writs which may be issued, in the same manner and with like effect as the constable of said town.

STREETS AND ALLEYS.

Taking private property for public purposes

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town the corporation shall make just compensation to the owner or owners of said property and pay or tender the same before opening or altering such streets or alley; and in case the amount of such compensation can not be agreed upon the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the justice of the peace of said town for that purpose.

§ 2. The said jurors, so empaneled to ascertain the damage which will be sustained by the opening or altering of any street or alley, by any person or persons so owning

property, shall first be sworn to that effect by said justice, and shall return to him their inquest, in writing signed by each of said jurors, and by him laid before the board of trustees at their first meeting thereafter; and either party may appeal therefrom to the circuit court of Morgan county, in such manner and upon such terms as may be prescribed by ordinance.

§ 3. In the assessment of such damages, the jury shall take into consideration the benefits as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley by such opening or alteration.

MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Meredosia are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by the commissioners of highways of the township of Meredosia; and the entire jurisdiction and control of said roads, highways and bridges in said town shall be held and exercised by the board of trustees by this act provided, and may improve the same by general tax. Exemption from road labor.

§ 2. The board of trustees, for the purpose of keeping the streets, alleys and highways in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys and highways any number of days not exceeding three in each year. Any person failing to perform such labor, when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of one dollar and fifty cents, to be paid to said town for each and every day so neglected and refused. Street labor.

§ 3. The board of trustees shall have power to provide for the punishment of offenders against any ordinance of said town, by imprisonment in the town calaboose or county jail, not exceeding thirty days for any one offense. In all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Punishment of offenders.

§ 4. All suits for fines and penalties in and for the violation of any ordinance shall be in the name of the president and trustees of the town of Meredosia; and the board of trustees shall regulate by ordinance the form and nature of the first and subsequent process, and the mode of executing the same. Suits, fines, etc.

§ 5. The incorporation hereby created shall not be required, in any suit brought for a violation of any ordinance of said town, to file, before the commencement of any suit or during the pendency thereof, any security for costs. Security—costs.

Vested rights.

§ 6. All ordinances and resolutions passed by the president and trustees of the town of Meredosia shall remain in force until the same shall have been repealed by the board of trustees hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested in and prosecuted by the corporation herein created.

Vested property.

§ 7. All property belonging to the president and trustees of the town of Meredosia, for the use of the inhabitants of said town, shall, upon this act taking effect, be vested in the corporation, and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which have accrued to them prior to the passage of this act.

Vacation of office.

§ 8. Whenever the justice of the peace herein provided for shall remove from said town, resign or die, or his office shall otherwise become vacated, the board of trustees shall immediately provide for filling such vacancy by election.

§ 9. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y 28, 1867.

AN ACT to incorporate the town of Wenona.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Wenona, in the county of Marshall, and state of Illinois, be and they are hereby constituted a body politic, by the name and style of "The Town of Wenona;" and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries and additions.

§ 2. The boundaries of said town shall include within their corporate limits all of the north-east quarter of section number twenty-four (24) and that portion of the north half of the south-east quarter of section number twenty-four, (24,) which has been platted and recorded in the recorder's office in said county, and known as Howe's and Sherwood's additions to the town of Wenona, all of the above described land being in township number thirty (30) north, range number one (1) east of the third principal meridian, in the county of Marshall, and state of Illinois.

§ 3. Whenever any tract of land adjoining the town of Wenona shall be laid off in town lots and duly recorded, as

required by law, the same may, by action of the town council, be annexed to and form a part of the town of Wenona.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all suits of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons. Powers, etc.

ARTICLE II.

OF THE TOWN COUNCIL.

§ 1. There shall be a town council, to consist of a president and five (5) trustees to be chosen, annually, on the first Monday of May, A. D. 1867, by the qualified voters of said town. Town council.

§ 2. If any member of the town council shall, during the term of his office, remove from the town his office shall thereby be vacated. Vacation of office.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections. Election of members.

§ 4. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum.

§ 5. The town council shall have power to determine the rules of its proceedings punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member. Punishment of members.

§ 6. The town council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Journal of proceedings.

§ 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint. Filling vacancies.

§ 8. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his ability. Duties of office.

Tie vote.

§ 9. Whenever there shall be a tie in the election of the members of the town council the judges of election shall certify the same to the police magistrate, or other justice of the peace of said town, who shall determine the same, by lot in such manner as shall be prescribed by ordinance.

Meetings.

§ 10. There shall be stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE III.

OF ELECTIONS.

Election of officers.

§ 1. On the first Monday of May next an election shall be held in said town for the president and five members of the town council, and for a police magistrate; and, forever thereafter, on the first Monday in May, in each year, there shall be an election held for said president and trustees; and for said police magistrate an election shall be held once in two years. The first election shall be held, conducted, and returns thereof made as may be provided by ordinance by the present president and trustees of the town of Wenona, and all succeeding elections as may be provided by ordinance of the town council by this act created.

How conducted

Qualification of voters.

§ 2. All persons who may be entitled to vote for state officers and who shall have been actual residents of said town for sixty days immediately preceding said election shall be entitled to vote for said officers.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Town council.

Legislative powers.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or this state.

Appointment of officers.

Securities.

Oath of office.

Appropriations.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, constable, commissioner of streets and such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter bonds, with such penalty and security for the faithful performance of their duties as may be deemed expedient, and, also, to require all officers appointed, as aforesaid, before entering upon the discharge of their respective official duties, to take an oath in the same manner provided in section eight of article two of this act.

§ 3. To appropriate money and provide for the payment of the debts and expenses of the town.

§ 4. To make regulations to prevent the introduction of contagious diseases into the town and enforce the same within three miles thereof. Sanitary measures.

§ 5. To establish hospitals and to make regulations for the government of the same.

§ 6. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

§ 7. To provide the town with water, to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 8. To lay out, open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair public squares, streets, avenues, lanes and alleys, and to establish a building line thereon. Streets and buildings.

§ 9. To establish and keep in repair bridges.

§ 10. To provide for lighting the streets and erecting lamp posts. Gas.

§ 11. To establish, support and regulate night watchmen.

§ 12. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof. Town buildings

§ 13. To provide for the erection of all needful buildings, for the use of the town.

§ 14. To provide for the inclosing, improving and regulating all public grounds belonging to the town. Public grounds.

§ 15. To license, tax and regulate auctioneers, merchants, retailers, taverns or ordinaries, hawkers and peddlers: *Provided*, that no fee shall be charged for any such license or other tax imposed on account of such occupation where the person having or receiving the same is a resident of said town and assessed therein. Licenses.

§ 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, cartage or drayage of property.

§ 17. To license and regulate porters, and fix the rates of portorage.

§ 18. To license and regulate and suppress theatrical and other shows and amusements.

§ 19. To tax, restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses within said town and within three miles thereof, but not to license any house or place for the sale of intoxicating drinks of any kind as a beverage. Disorderly houses.

§ 20. To prevent the encumbering of the streets, squares and alleys of said town. To plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep and Shade trees.
Animals at large.

other animals, and provide for destroying and impounding the same, and to provide for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance; and to prevent the firing of squibs, rockets, guns or other combustibles or fire arms within the limits of said town.

Discharge of
fire-arms.

Fires.

§ 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Chimneys, etc

§ 22. To regulate the fixing of chimneys and the flues thereof.

Combustibles—
storage of.

§ 23. To regulate the storage of gunpowder, tar, pitch, rosin, spirits wine, and other combustible materials, and also ashes.

Walls, etc.

§ 24. To regulate and order parapet walls and partition fences.

Measurements.

§ 25. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 26. To provide for the inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, fire wood and other fuel, to be sold and used in said town.

§ 27. To regulate the inspection of butter, lard and other provisions.

Census.

§ 28. To provide for taking enumerations of the inhabitants of the town.

Removal from
office.

§ 29. To regulate the election of town officers, and provide for removing from office any person holding office created by this act or by ordinance.

Compensation

§ 30. To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

Police.

§ 31. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Gaming, etc.

§ 32. To suppress, restrain and prohibit billiard tables, ball alleys, faro boards, lotteries, horse races, and all other means for gambling, within said town and within three miles thereof.

Ordinances.

§ 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.

§ 34. The style of the ordinances shall be, "*Be it ordained by the Town of Wenona.*"

§ 35. All ordinances as passed by the town council shall, within one month after they shall have been passed or published in some newspaper published in the town or posted up in three public places in said town, and shall not be in force until they shall have been published or posted, as aforesaid; and a certificate of the clerk of said town or a certified copy of said certificate shall be held, in all courts and places, sufficient evidence of such publication. Publication of ordinances.

§ 36. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. How proven.

ARTICLE V.

OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote, and no other, except in the case of a tie vote; and, in case of his absence at any meeting, the council shall appoint one of their number chairman *pro tem*. President of council.

§ 2. The president, or any two members of the council, may call special meetings of the town council. Call meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the council such information and recommend such measures as in his opinion may tend to the improvement of the finances, public health, security and ornament of the town. Miscellaneous duties of the president.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine, not exceeding ten dollars.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books or papers or a report of his doings as such officer; and shall have power to do all other acts that may be required of him by ordinance made in pursuance of this act. Inspection of subordinate officers.

ARTICLE VI.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. Whenever it shall be necessary to take the property of any person, corporation or body politic, for the pur- Condemning property.

Compensation. pose of opening, altering, widening, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make a just compensation to the owners of such property, and shall pay or tender the same before taking such property; and in case the amount of such compensation can not be agreed upon, the police magistrate of the town shall cause the same to be ascertained by a jury of three disinterested free holders of the town, in such manner as the council, by ordinance, shall direct.

Petitions for alterations. § 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall in such case be allowed for such property so taken.

Duties of jurors. § 3. All jurors empaneled to inquire into the amount of benefit or damages which shall happen to the owners of property affected by the locating, opening, changing, establishing, grading or otherwise improving any public square, street or alley, or any other improvement in this article named, except sidewalks and private drains, shall first be sworn to that effect, and shall return to the police magistrate their inquest or assessment, in writing signed by such jurors, or a majority of them: *Provided, always,* that in such assessments the jury shall take into consideration the benefits as well as the injury happening to the owners of property taken for or affected by any such improvements.

Powers of town council in relation to improvements. § 4. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers, and private drains and sewers, and private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and to regulate the same; and to lay out public squares, and to grade, improve, protect and ornament any public square, street or alley now or hereafter laid out.

Assessments. § 5. The expenses of any improvement mentioned in this article, except sidewalks and private drains, may be assessed upon the real estate in any natural division affected thereby, with the cost of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto, in such manner as the town council may by ordinance direct.

One-fourth of owners necessary to action on petitions. § 6. The council shall order, on petition of the owners of one-fourth part of the front of the lots included in such order, walks to be built and gutters to be paved in front of any such lots by the owners thereof, in such time and manner and of such materials as it may direct; and in case of

failure to do the same, the council shall cause the same to be done and assess the cost thereof to each lot against the same.

§ 7. The town council may cause sidewalks and gutters to be constructed, as it may direct, on any street, alley or any part thereof, and assess the cost thereof to each lot, according to the respective fronts: *Provided*, that when such order shall be made without a petition of the owners of one-fourth part of the front of the lots included therein, the town shall pay at least twenty-five per cent. of the cost thereof.

Side walks.

Proviso.

§ 8. Whenever the inhabitants of said town, in special meeting assembled, upon the call of said council or of two legal voters of the same, shall, by a majority present, vote in favor of any public improvement therein and of appropriating therefor any sum, not exceeding in any one year one-fourth of one per centum of all the taxable property of said town, the council shall be authorized to levy special tax therefor, not exceeding the sum so voted, upon all the taxable property of said town, and collect, hold and expend the same in such manner as the council may direct.

Taxes for public improvements.

§ 9. All owners or occupants upon whose premises the town council shall order and direct private drains, communicating with any main drains, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such private drains, at their own costs and charges, in the manner and within the time prescribed by ordinance or otherwise, and upon their failure so to do, the council may cause the same to be done, and assess the expenses thereof upon the lots, respectively, and collect the same as other assessments and taxes. A suit may also be maintained against the owner or occupant of such premises, for recovery of such expenses as for money paid to his use at his request.

Drains on private premises.

Collection of assessments.

§ 10. All real estate within the limits of said town and all personal property within the limits of said town, without regard to whether the owner is a resident of said town, shall be subject to taxation, and taxes may be levied and collected upon the same, for the use and benefit of the said town, in such time and manner as the council shall by ordinance provide.

Real estate subject to assessment.

§ 11. The town council may, by ordinance, direct that the assessment of the county or township assessors of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the corporation shall certify to the clerk of the county court all persons and property taxable therein, with the taxes and assessments levied thereon; in which case they shall, by the county clerk, be entered upon the tax book of the county and be collected with the county and state taxes; and the same fees shall be paid by said town for actual services

Assessment of town property.

Report to county clerk.

Compensation.

herein as may be provided by the revenue laws of the state for similar services.

ARTICLE VII.

Road work.

§ 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every male inhabitant of said town able to perform manual or day labor, between the ages of twenty-one years and fifty, to labor on said streets, alleys and public squares, not exceeding three days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar and a half to said town for each day so neglected or refused.

§ 2. The inhabitants of the town of Wenona are hereby exempted from working on any road beyond the limits of said town and from paying any tax for the same, from and after the year (1868) one thousand eight hundred and sixty-eight.

Violation of ordinances—penalties,

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail not exceeding thirty days for any one offense; and in all cases when such offender shall refuse to pay the fines, forfeiture and costs which may be recorded or adjudged against them, and it shall be competent for the magistrate or other court before whom the same shall be tried to direct that such offenders shall be committed to the county jail until such fines, forfeitures and costs shall be paid or otherwise be discharged by due process of law.

Annual financial report.

§ 4. The town council shall cause to be published, annually, a full and ample statement of all moneys received and expended during the preceding year, and on what account received and expended.

Previous ordinances.

§ 5. All ordinances and resolutions passed by the present president and trustees of the town of Wenona shall remain in full force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office and exercise all the powers with which they are now vested until the town council hereby created shall have been elected and qualified.

Corporation prosecutions.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Wenona.

Actions accru'd

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Wenona shall be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Wenona, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created. Town property.

§ 9. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Wenona, nor divest them of any rights which have accrued to them prior to the passage of this act. Invalidation of
previous acts.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act or any ordinance passed in pursuance of this act to the county or circuit court of Marshall county; and every such appeal shall be taken from and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation directing said appeal or approving the same, shall be sufficient evidence of authority to sign said bond. Appeals.

§ 11. The president and trustees of the town of Wenona shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town. Publication of
act.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof. Validity of act.

§ 13. The town marshal or constable or any other officers authorized to execute writs or any other process issued by the police magistrate of said town shall have power to execute the same anywhere within the limits of the counties of Marshall and La Salle, and shall have the same power to execute any process issued by any justice of the peace of said county of Marshall, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases. Town constable
—powers of.

§ 14. The town council may, at any time hereafter, provide by ordinance for future elections by the inhabitants of said town of such town officers as they may deem it desirable to have elected. Future electi'ns

§ 15. All fines and penalties, recoverable by indictment or action, for any offense committed within the limits of said town, and which are now required by law to be paid in to the county treasurer or the school commissioner of said county of Marshall, shall hereafter be paid in to the town treasurer, for the use of said town. Disposal of fines
recovered.

§ 16. Deeds of lands sold for taxes, heretofore made or hereafter to be made under the ordinances of the town of Deeds of land
sold for taxes.

Wenona, may be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and, when executed and acknowledged, as aforesaid, it shall be deemed and taken in all courts and places to be *prima facie* evidence of the existing and regularity of all such prior proceedings as might otherwise be required to be proved, in order to establish the title to the purchase; and such deed shall be evidence, as aforesaid, without any proof of any proceedings prior to the issuing thereof.

imits to lieen-
ces.

Liquors, etc.

Specifications.

Proviso.

Druggists.

§ 17. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Wenona to sell, traffic, exchange, barter or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's Stomach Bitters, Plantation Bitters, Roback's Bitters, Red Jacket Bitters, or any other bitters, of whatever name or kind, containing intoxicating liquors; and no person shall be permitted to bring to the town or keep about his, her or their premises, saloon, cellar, dwelling house, out house, or in any other place in said town or within three miles thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein in any way whatever: *Provided*, the town council may grant license to the druggists in said town, if deemed by the town council to be discreet persons, to sell wines or other spirituous liquors for mechanical, medicinal and sacramental purposes only. And the said council shall have power, at any regular meeting, to revoke said license. Any person or persons violating any of the provisions of this section of this charter shall forfeit and pay into the treasury of the corporation, for the use of the inhabitants of said town, not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by an action of debt before the police magistrate or other justice of the peace in said town; and in case any offender or offenders shall refuse or fail to pay such fine or fines and costs that may be adjudged or assessed against him, her or them by said police magistrate or other justice of the peace, and said offender or offenders shall forthwith be committed to the county jail for a term of not less than thirty days, unless said fine or fines and costs be sooner paid.

Term of office
of president,
trustees, etc.

§ 18. The president and trustees created by this act as the town council of Wenona shall hold their offices for one year and until their successors are elected and qualified; and the police magistrate elected by virtue of this act shall hold his office for two years and until his successor is elected and qualified.

Act to be sub-
mitted to legal
voters.

§ 19. This charter shall be submitted to a vote of the people of the town of Wenona on the last Monday of April

next, and, if adopted by a majority of the votes cast, it shall become a law from the time the same is so adopted; otherwise to be null and void. The present president and trustees of the town of Wenona shall post up notices for the election provided for in this section, giving ten days' notice of the time and place of holding said election. And if this charter is adopted, it shall be the duty of the judges of said election to cause a certificate copy of the same to be filed in the county clerk's office of said county of Marshall.

Election notice.

Copy to be filed

§ 20. This act shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Normal.

In force Feb'y
25, 1867.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Normal, in the county of McLean, and state of Illinois, are hereby constituted and declared a body corporate and politic, by the name and style of "The Town of Normal;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, within the limits of said town and beyond its limits, when needed for burial grounds or other corporate purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

Name and style

Corporate powers.

§ 2. The town limits of the said town of Normal shall be bounded as follows, to-wit: Beginning at a point one mile due west of the central point of section twenty-eight, (28,) township twenty-four (24) north, range two (2) east, in McLean county, Illinois; thence north one mile; thence east two miles; thence south two miles; thence west two miles; thence north one mile, to the place of beginning; *Provided*, that all tracts of land within the town boundaries, which are in extent ten acres or more, and used for agricultural or horticultural purposes only, and not as parts of a residence, nor laid off into town lots, shall be exempt from taxation for town revenue until the same shall be sub-

Boundaries.

Lands used for
agricultural
purposes ex-
empt from
taxation.

divided into town lots; and each lot when so divided, shall be taxed as other town lots.

Additions.

Plats required.

To be approved
and recorded.

§ 3. Whenever any tract of land adjoining said town shall be laid off into town lots, platted and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Normal: *Provided*, that the town council shall have power to require that all additions and sub-divisions hereafter made to said town shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys, already laid out and established within said town; and no map or plat of any addition or sub-division to said town shall be entitled to record or be recorded in the office of the recorder of McLean county until the same shall be approved by the town council of said town; and all such additions shall be null and void until a correct map or plat thereof shall be approved by said town council.

ARTICLE II.

Trustees and
qualifications.

§ 1. The legislative powers of the town of Normal shall be vested in a town council, composed of five trustees, to be elected, annually, by the qualified voters of said town; and no person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and is not a citizen of the United States. And the said trustees shall, at their first meeting, proceed to elect one of their number president; and shall have power to fill all vacancies in said board which may be occasioned by death, resignation or removal: *Provided*, the vacancy shall not exceed six months.

Elections and
qualifications
of council.

Absentees.

Rules, etc.

Oath of office.

Meetings.

§ 2. The town council shall determine the qualifications, returns and elections of its own members. A majority shall constitute a quorum, but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with a concurrence of three-fifths, expel a member.

§ 3. Each member of the town council shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. And there shall be at least one regular meeting of said town council in each month, at such time and place as may be prescribed by ordinance: *Provided*, that the president or any three members of said council may call special meetings of said council, first giving such notice, in writing, as shall be provided for by the council.

ARTICLE III.

§ 1. There shall be elected in the town of Normal, by the qualified voters thereof, on the first Monday of March, 1867, and on the first Monday of March every four years thereafter, a police magistrate and a town constable, who shall hold their respective offices for four years and until their successors shall be elected and qualified.

Election of officers.

§ 2. No person shall be eligible to the office of police magistrate or to the office of town constable who shall not have been a resident of the town one year next preceding his election, or who shall not be a citizen of the United States.

Eligibility of police magistrate and constable.

§ 3. For the election of five trustees, a police magistrate, and a town constable, the town of Normal is hereby declared an election precinct.

Election precinct.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and, as such, shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes; to take depositions and acknowledgments of deeds, mortgages and other instruments of writing and certify the same as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority arising in all cases whatsoever, with other justices of the peace, under the laws of this state, and shall be entitled to such fees for his services as shall be fixed by town ordinance, and, when not so fixed, as other justices of the peace, in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted, in all cases, from the police magistrate of the town to the nearest justice of the peace, who is hereby invested, in such cases, with all the authority of the police magistrate, and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of McLean county be invested with all the power conferred upon the police magistrate by the provisions of this act.

Police magistrate—how commissioned

Power and authority.

Compensation and fees.

Change of venue.

Vacancy.

§ 5. The town constable shall have the same power and authority, rights, privileges and qualifications, shall have the same jurisdiction and be entitled to the same fees, and be liable to the same penalties, as constables now are or may hereafter be under the laws of this state, and shall be placed under such bonds, conditioned for the faithful performance of the duties of his office, as may be prescribed by ordinance of the corporation hereby created.

Constable.

Penalties for
neglect of duty

§ 6. In case the police magistrate shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of corruption, of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of McLean county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars and removed from office.

ARTICLE IV.

Time and place
of election of
officers.

§ 1. On the first Monday of March, 1867, an election shall be held in said town of Normal for five trustees, a police magistrate, a town constable; and on the first Monday of March of each year, forever thereafter, an election shall be held for the election of said trustees, who shall hold their offices for one year and until their successors shall be elected and qualified; and, forever thereafter, on the first Monday of March, every four years, an election shall be held for the election of a police magistrate and town constable, who shall hold their offices for four years and until their successors shall be elected and qualified; which first election shall commence at ten o'clock, A. M., and close at four o'clock, P. M. of said day; and, for the purposes of said first election, the present board of trustees of the town of Normal and are hereby constituted corporate trustees for said town.

Publication of
election notice

§ 2. It shall be the duty of said board of trustees hereby constituted, or any two of them, to give at least ten days' notice of the time and place of holding said first election, by posting up notices in at least three of the most public places in said town, to be judges of said first election, to appoint their own clerk, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election, certify the votes for police magistrate and town constable to the clerk of the county court of McLean county, and lay the poll books of such election before the board at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

Failure to hold
elections.

§ 3. A failure to hold said first election on the first Monday of March, 1867, shall not work a forfeiture of this charter, but said first election may be held on any day after the first Monday of March, 1867, by giving ten days' notice, and conducting the same as prescribed in section two of article four of this charter.

Ties.

§ 4. If two or more persons shall receive an equal number of votes for police magistrate or town constable, the board shall proceed to determine the same by lot; and when there shall be a tie in the election of members of the town council the judges of election shall certify the same to the

police magistrate, who shall determine the same, by lot, in such manner as shall be prescribed by ordinance; and all contested elections shall be determined as prescribed by ordinance.

§ 5. All persons who are entitled to vote for state officers and who shall have been actual residents of said town ninety days next preceding said election shall be entitled to vote for said officers. Qualification of voters.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding ten mills on the dollar, upon the assessed value thereof, and may enforce the payment of the same in manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; and the town council is hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, as also for the sale of real estate for the taxes due thereon, in such manner as shall be prescribed by ordinance: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state. Collection of taxes.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, supervisor of streets, pound master, or masters, town weigher, and all other officers that may be necessary, and prescribe their duties, and to require of all officers appointed in pursuance of this charter bonds, with such penalties and securities for the faithful performance of their duties as may be deemed expedient; also, to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

§ 3. To appropriate money and provide for the payment of the expenses of the town. Town expenses

§ 4. To make regulations to secure the general health of the inhabitants of said town, and to prevent the introduction of contagious diseases into the town.

§ 5. To provide the town with water, to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 6. To open, alter, extend, grade or otherwise improve and keep in repair streets and alleys, and remove obstructions therefrom, and to construct and keep in repair bridges. Street improvements.

§ 7. To license, tax and regulate auctioneers, hawkers, teamsters, brokers, draymen, peddlers, pawnbrokers and money-changers, and hackmen. Hawkers, brokers, peddlers, etc.

Miscellaneous
provisions—
licenses, etc.

§ 8. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

§ 9. To provide for the inspection and weighing of hay, and stone-coal, measuring of charcoal, wood and other fuel, sold in said town.

§ 10. To provide for the extinguishment and prevention of fires, and to organize and regulate fire companies.

§ 11. To regulate the fixing of chimneys and the flues thereof.

§ 12. To regulate the storage of tar, pitch, rosin, gunpowder and other combustible materials.

§ 13. To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

§ 14. To prevent the firing of guns and other combustibles or firearms within the limits of said town.

§ 15. To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses and other animals.

§ 16. To prevent horse-racing or any immoderate riding or driving within the limits of said town of horses or other animals; to compel persons to secure their horses or other animals attached to vehicles, or otherwise, while standing or remaining in any street or alley or public road in said town.

§ 17. To establish and maintain a public pound or pounds and appoint pound master or masters, and prescribe his or their duties.

§ 18. To define and declare what shall be deemed nuisances; to punish the authors thereof; to authorize and direct the summary abatement of nuisances and the removal of the same two miles from the boundaries of said town.

Markets, etc.

§ 19. To erect market-houses; to establish markets and market places, and provide for the regulation thereof.

§ 20. To provide for inclosing, improving and regulating all public grounds.

Town indebted-
ness.

§ 21. To borrow money on the credit of the town; *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per cent. per annum, nor shall the interest on the aggregate of all sums borrowed and outstanding ever exceed one-half of the town revenue arising from taxes assessed on real property within the limits of said corporation.

Election regu-
lations.

§ 22. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance.

Police, etc.

§ 23. To regulate the police of the town; to impose penalties, fines and forfeitures for the breach of any ordinance; for recovery and appropriation of such fines and

forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with the breach of any of the provisions of this act or any ordinance.

§ 24. To provide for taking enumerations of the inhabitants of the town. Census.

§ 25. To fix the compensation of town officers, to regulate the fees of jurors, witnesses and others, for services rendered under this act or by any ordinance. Compensation.

§ 26. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, where the town council shall deem it necessary; to prohibit and restrain railroad companies from doing storage or ware-house business or collecting pay for storage; to regulate the speed of locomotive engines within the town limits; also, to regulate the running of horse railway cars or street cars, propelled by steam or otherwise; the laying down of tracks for the same, the transportation of passengers therein, and the kind of rail to be used within the town limits. Railroad regulations.

§ 27. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all the powers specified in this act: *Provided*, that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state.

§ 28. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail not exceeding thirty days for any one offense, in all cases where the offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 29. To provide for the erection and improvement of all needful buildings for the use of said town. Town buildings

§ 30. To provide for lighting streets and erecting lamp-posts, to provide lamps therefor and regulate and control the lighting of the same. Lamps, etc.

§ 31. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly and disreputable houses within said town, but not to license any house or place for the sale of intoxicating drinks of any kind as abeverage. Disorderly houses.

§ 32. To regulate the inspection of butter, lard and other provisions.

§ 33. The style of the ordinances of the town shall be, *"Be it ordained by the Town Council of the Town of Normal."* Ordinances.

§ 34. All ordinances passed by the town council shall, within one month after they shall have been passed, be published in some newspaper published in said town, or in some other way, to be provided by ordinance, in case no newspaper is published in the town, and shall not be in force until they shall have been published as aforesaid. Publication of.

Proof of ordinances.

§ 35. All ordinances of the town may be proved by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by the authority of the corporation the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

OF THE PRESIDENT.

Presiding officer

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote, and no other; and in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting.

Duties of.

§ 2. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation to be prosecuted and punished.

Exhibit books.

§ 3. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers; and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

Taking private property for public use.

§ 1. Whenever it shall be necessary to take property for opening or altering any public street or alley, the corporation shall make just compensation to the owners of such property, and pay or tender the same before opening such street or alley; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

Compensation.

§ 2. When all the owners of property on a street or alley proposed to be opened shall petition for the opening of the same, the town council shall provide for the opening or altering the same, but no compensation shall be allowed to such owners for their property so taken.

Benefits, etc.

§ 3. All jurors empaneled to inquire into the amount of benefit or damages which shall happen to the owners of property proposed to be taken for opening any street or alley, shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided, always*, that in the assessment of such damages the jury shall take into consideration the benefit as well as injury happening to the owner of prop-

erty proposed to be taken for opening or altering a street or alley by such opening or altering.

§ 4. The police magistrate shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set aside the same and cause a new inquest to be made. Returns of inquests.

§ 5. The town council shall have power, by ordinance, to levy and collect a special tax on holders of lots on any street or alley, or any part of any street or alley, according to the respective fronts owned by them, for the purpose of grading or paving and otherwise improving such street or alley: *Provided*, that the tax shall in no case exceed one-half the expense of paving, grading or otherwise improving said street or alley. Special taxes.

§ 6. The town council shall have power to cause all owners or occupants of premises to build side-walks and keep the same in repair in front of said premises, and, when not built according to the orders of the town council, to build and repair the same, and assess the costs thereof against said premises, and collect the same as other town taxes are collected. Sidewalks.

ARTICLE VIII.

SCHOOLS AND SCHOOL FUND.

§ 1. The town of Normal, as hereby incorporated, and the several additions which may hereafter be made to said town, shall constitute a school district, and be known as "Normal School District." Schools.

§ 2. The government of said district, for school purposes, shall be vested in a board of five persons, to be styled "The Board of Education of Normal School District." Board of education.

§ 3. There shall be elected by the qualified voters of said district, at the first election for town officers herein provided for, five persons, who shall constitute said board, and hold their offices for one, two, three, four and five years, respectively, and until their successors shall be elected and qualified. At the first meeting they shall draw lots for their respective terms of office for one, two, three, four and five years. And, thereafter, on the first Monday of March, annually, there shall be an election for the purpose of electing one member of said board, who shall hold his office for five years and until his successor is elected and qualified. All vacancies in said board shall be filled at said annual elections; but any vacancy happening between the times of the regular annual elections, by death, resignation or removal from the district, shall be filled by the remaining members of the board; and the person so appointed shall hold the office till the next annual election. Term of office.

Vacancy.

Election board.	of and until his successor shall be elected and qualified. The meetings for said election of said member or members of said board shall be notified and called, and the poll-book opened and kept, the votes canvassed and the returns made in the same manner as for election of other town officers: <i>Provided</i> , that the ballot for a member or for members of the said board of education shall be upon a separate slip of paper, and form no part of a ballot for other town officers. In case of a tie in any election of members of said board, the judges of election shall decide the same, by lot, on the day of election or as soon thereafter as may be.
Name and style.	§ 4. The said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of Nor.nal School District;" may have a common seal, and change the same at pleasure; and as such may contract and be contracted with, sue and be sued, plead and be implead in and before any tribunal having competent jurisdiction.
Quarterly sessions.	§ 5. It shall be the duty of the said board to hold quarterly sessions, on the second Monday in March, June, September and December of each year; and they shall meet, by adjournment, at such times as they may think proper;
Special meetings.	and the president of the board or any two members thereof may call a special meeting of the board by giving a verbal notice of the time and place and object thereof, or by leaving a written notice thereof at the residence of each member of the board. And, at all meetings, a majority of the
Organization.	board shall constitute a quorum for the transaction of business. Said board shall organize by appointing one of their number president; and they shall also elect a clerk, who may be a member of the board, and treasurer, who shall not be a member of the board, who shall hold their respective offices during the pleasure of the board, and until their successors shall be elected and qualified. The president shall preside at all meetings of the board at which he shall be present; and it shall be the duty of the clerk to be present at said meetings, and to record in a book to be provided for that purpose all the official proceedings of said board; which records shall be public and open to the inspection of any person interested; and all said proceedings, when recorded, shall be signed by the president and clerk, and a copy, certified by the clerk, shall be <i>prima facie</i> evidence of such proceedings in all courts and other places. If the president or clerk shall be absent, the board may appoint a president or clerk <i>pro tem</i> . The treasurer shall execute to said board an official bond, with good and sufficient securities—such bond to be approved by the board—in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that will be likely to be at any one time in his hands, and conditioned for the faithful performance of his duties as treasurer in safely keeping and promptly paying over all
Publishment of proceedings.	
Evidence of.	
Treasurer.	

moneys which he shall receive as such treasurer, as he shall from time to time be directed by order of the board or required by law so to do. He shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out, for what purpose and upon what and whose account; but he shall pay out no money except upon order of the board; and for all money paid out he shall take and file with the papers of his office proper vouchers, and he shall settle his accounts with the board at least once in each year, and oftener if the board should so require.

§ 6. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties; but for extraordinary services reasonable compensation may be allowed—the board to determine what are extraordinary services and the compensation therefor. The clerk and treasurer shall receive such compensation as the board shall prescribe.

Compensation
of board and
officers.

§ 7. The treasurer shall, under the direction of the board, demand and receive from the officer or officers having the custody thereof any interest or other money from any school fund or other source to which the Normal school district, or any part thereof, or the schools or other teachers therein would be entitled if this act had not been passed; and the money so received from such funds or sources shall be placed in the treasury, to be used and expended, under the order and direction of the board, for the support of schools and for school purposes, in the same manner as other funds that shall come into the treasury by taxation or otherwise.

Custody of money,
etc.

Disposition of
funds.

§ 8. The said Normal school district shall be exempt from the jurisdiction of trustees of schools in the township in which said Normal school district is located, so far as common schools are concerned; and the school commissioner of McLean county shall, in the distribution of the school funds that may come into his hands, apportion so much of the school fund as said Normal school district may be entitled to, upon a *pro rata* distribution of said funds among the several townships of said county, to the said Normal school district; and, upon the filing of the bond of the treasurer of the said board of education, the said school commissioner shall pay over to the said treasurer the amount due said district. All taxes levied in accordance with the provisions of this act, for school purposes, shall be paid over by the officers collecting the same to the treasurer of the board of education; and said board shall have the entire and exclusive control of all school funds of said Normal school district, or any part thereof, whether consisting of the portion of the school, college, seminary or township fund belonging and to belong to said district, or any

Exemption.

Apportionment.

Control of
schools, etc.

Gifts, etc.

Custody and
sale of prop-
erty.Conveyances,
contracts, etc.

Indebtedness.

Financial
ports. re-

Expenses.

part thereof, or derived from taxation, loans or otherwise—to be used by them as provided by this act; and they may receive, by gift, grant, donation, devise, bequest or legacy, made for the use of any school or schools or library or other school purposes within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all lots, lands, school houses, school libraries, apparatus and other property belonging or appertaining to the common schools of the said district, or any of them, with full power to control the same, in such manner as they may think will promote the interests of schools or the cause of education, and not inconsistent with the provisions of this act; and when, in their opinion, it may be for the interest of said district to sell any lot or tract of land or building belonging to said district, or any part thereof, said board may sell and convey the same, in the name of the board; and all such conveyances, as well as all other conveyances, contracts and assignments of the board shall be executed by the president of said board; and all conveyances of real and personal estate and assignments of choses in action, which shall be made to said board, shall be made to said board in its corporate name; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools, and such real estate as may be purchased under any sale, upon execution or decree, in favor of said board, or in satisfaction of any debts due said board, and at any time thereafter may sell and convey the same.

§ 9. For the purpose of erecting school houses and purchasing school sites, it shall be lawful for said board to borrow, at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor, in sums not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board, in the name of the board, and countersigned by the treasurer of the board; and to secure the payment of said bonds said board may mortgage any part or the whole property belonging to said board.

§ 10. The said board shall, on or before the first Monday in April in each year report to the town council of the said town of Normal, in writing, respecting all moneys received, how and for what purpose expended, with the proper vouchers therefor, and give such other information in regard to said schools as they may deem important, specifying in said annual report the amount of money necessary to be raised by taxation for school purposes for the ensuing school year; and the said town council shall, annually, upon the coming in of such report or within thirty days thereafter, proceed to levy a tax sufficient to meet such expenses, according to the estimate of said board—said tax to be levied and collected as other town taxes are levied and collected—upon all the taxable property in

said town: *Provided*, said tax shall not for any one year exceed two per cent. of the taxable property of said town, according to its assessed value.

§ 11. The said board of education shall have the entire management and control of all the common schools, and transact all business which may be necessary in relation to said common schools in said district, and shall have all the rights, powers and authority necessary for the proper management of the schools and school funds, with the power to make all such rules, orders and requirements as they may deem necessary, to carry their powers and duties into effect and perfect a good system of public instruction and common schools in said district. Control, etc.

§ 12. Said board, at the end of each year of their term of office, shall cause to be prepared and published a statement, exhibiting the condition of schools for the preceding year; which statement shall be substantially as follows, viz: Annual state-

First.—The whole number of schools which have been taught in said year. Number of scholars,

Second.—What number of teachers have been employed in each school, stating the name of each teacher, the time employed, and the compensation paid. Number of teachers.

Third.—The whole number of scholars in all the schools, giving the number of males and females in each school, separately, and the average number in attendance during the year. Increase of scholars.

Fourth.—The amount of all funds received into the treasury of the board during the year, and the sources whence derived, stating the amount received from each source. Receipts and expenditures,

Fifth.—The amount paid out for salaries, rent, fuel, furniture, etc.

Sixth.—The amount and kinds of unexpended funds on hand at the end of the year.

Seventh.—A statement of the total amount received and the total amount paid out for school purposes during the year.

§ 13. Said board shall have power and authority to divide said school district into two or more school districts, when, in the opinion of the board, it shall seem advisable. Districts.

ARTICLE IX.

MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Normal are hereby exempted from working on any road beyond the limits of the town, and from paying any tax to procure laborers to work on the same. Road labor.

§ 2. The town council shall have the power and it is hereby made its duty, when it may be necessary, for the purpose of keeping in repair the streets and alleys of said Street labor.

town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the supervisors of streets of said town, shall forfeit and pay the sum of one dollar and fifty cents to said town, for each and every day so refused and neglected.

Annual state-ments. § 3. The town council shall cause to be published, annually a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Ordinances in force. § 4. All ordinances and resolutions passed by the president and trustees of the town of Normal shall remain in force until the same shall have been repealed by the town council hereby created.

Suits at law. § 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Normal.

Prosecutions. § 6. All actions, fines, penalties and forfeitures which accrue to the president and trustees of the town of Normal shall be vested in and be prosecuted by the corporation hereby created.

Vested property § 7. All property, real and personal, belonging to the president and trustees of the town of Normal, for the use of the inhabitants of said town, shall be and is hereby declared to be vested in the corporation hereby created.

Invalidation of act. § 8. This act shall not invalidate any act done by the president and trustees of the town of Normal, nor divest them of any rights which have accrued to them prior to the passage of this act.

Promulgation of laws. § 9. The president and trustees of the town of Normal shall, as soon as may be after the passage of this act, take measures to promulgate this law within the limits of the town of Normal, and issue their proclamation for the election of officers and cause the same to be published, by written or printed notices, at least ten days before the election of said town officers.

Appeals. § 10. Appeals shall be allowed, in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act, to the circuit court of McLean county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases, under the laws of this state: *Provided*, that when the town shall appeal, a bond, filed by the clerk of the council, in the name of the town, shall be deemed sufficient to obtain an appeal.

Vacation of office. § 11. Whenever the police magistrate or town constable shall remove from the town, resign or die, and his office shall otherwise be vacated, the town council shall immediately

§ 12. The town constable or any other officer authorized to execute writs or other process issued by the police magistrate shall have power to execute the same anywhere within the limits of McLean county, and shall be entitled to the same fees as other constables in like cases. Processes.

§ 14. Deeds of lands sold for taxes, heretofore made or hereafter to be made under any ordinances of said town, may be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and, when executed and acknowledged as aforesaid, they shall be deemed and taken, in all courts and places, as *prima facie* evidence of the existence and regularity of all such prior proceedings, as might otherwise be required to be proved in order to establish the title to the purchase; and such deed shall be evidence, as aforesaid, without any proof of any proceeding prior to the issuing thereof.

§ 15. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Normal to sell, traffic, exchange, barter or give away any strong beer, wine, rum, gin, brandy, whisky or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's Stomach Bitters, Plantation Bitters, Roback's Bitters, Red Jacket Bitters, Swain's Bourbon Bitters, or any other bitters of whatever kind or name, containing intoxicating liquors; and no person shall be permitted to bring into the town or keep about his, her or their premises, saloon, cellar, dwelling, out house or in any other place, in said town, any of the above named drinks or intoxicating beverages, for the purpose of trafficking therein in any way whatever: *Provided*, the town council may grant license to two discreet persons, and no more, in said town, to sell wine or other spirituous liquors, for mechanical, medicinal and sacramental purposes, only; and the said council shall have power, at any regular meeting, to revoke said license. Any person violating any of the provisions of this section shall forfeit and pay into the treasury of the corporation not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by action of debt before the police magistrate or other justice of the peace in said town; and in case any offender shall refuse

or fail to pay such fine or fines and costs, as may be adjudged against him, her or them, by said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail for a term of not less than thirty days, unless said fine or fines and costs be sooner paid.

Evidence of act. § 16. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

§ 17. All acts or parts of acts coming within the provisions of this charter or contrary to or inconsistent with its provisions are hereby repealed.

§ 18. This act to take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force March 7, 1867. AN ACT to vacate Robinson street, in the town of Dunton, Cook county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Robinson street, in the town of Dunton, Cook county, be and the same is hereby vacated.*

APPROVED March 7, 1867.

In force Feb'y 28, 1867. AN ACT to change the name of the town of Jamestown, in Sangamon county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the name of the town of Jamestown, in Sangamon county, Illinois, be and the same is hereby changed to that of "Howlett."*

Name changed.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Sparland.

In force March
5, 1867.

Be it enacted by the People of the State of Illinois, represented in the General Assembly :

ARTICLE I.

SECTION 1. That the inhabitants and residents of the town of Sparland, in the county of Marshall and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Sparland;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure; shall have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, within and beyond the limits of said town, for the burial of the dead, and for other corporate purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and dispose of any such property as the public good may require.

Name and style

Powers.

§ 2. The boundaries of said town shall include within their limits all of that district of country known and described as follows, viz: Beginning at the north-west corner of the south-east forty (40) of the south-west quarter of section eleven (11); thence south to the south-west corner of the north-east forty (40), of the south-west quarter of section of fourteen (14); thence east to the south-east corner of the north-west forty (40) of south-east quarter of section fourteen (14); thence north to the north-east corner of the south-west forty (40) of the south-east quarter of section eleven (11); thence west to the place of beginning, in township No. twelve (12) north, of range No. nine (9) east of the fourth principal meridian, being one mile long and one-half mile wide.

Boundaries.

§ 3. Whenever any tract of land adjoining the town of Sparland shall be laid off into lots and recorded according to law, the same shall be annexed to and form a part of the town of Sparland.

ARTICLE II.

§ 1. The government of said town shall be vested in five trustees, to be elected annually by the qualified voters of said town, on the first Monday of April, 1867, and annually on that day thereafter; and no person shall be a trustee of said town who has not attained the age of twenty-one years, and who has not resided in said town one year next preceding an election, and is not a citizen of the United States, and who is not a freeholder in said town. And the

Qualified
trustees.

President. said trustees shall, at the first annual meeting after election, proceed to elect one of their number president; and shall
Vacancies. have power to fill all vacancies, by appointment, in said board, which may be occasioned by death, resignation or removal: *Provided*, the vacancy shall not exceed three months.

Proviso. § 2. The board of trustees shall determine the qualifications of their own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Shall have power to determine the rules of their own proceedings, punish members for disorderly conduct, and, with a concurrence of three-fifths, expel a member.

Returns and elections. § 3. Each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties thereof to the best of his knowledge and ability, and support the constitution of the United States and of this state. And there shall be at least one regular meeting of said trustees on the first Monday in each month, and at such place as may be prescribed by ordinance.

ARTICLE III.

Election of police magistrate. § 1. There shall be elected in the town of Sparland, by the qualified voters thereof, on the first Monday of April, 1867, a police magistrate, who shall hold his office for the term of four years, and until his successor is elected and qualified. Said successor shall be elected on the first Monday of April, 1870, and every four years forever thereafter.

Eligibility of. § 2. No person shall be elected police magistrate or town constable, unless he is eligible to the office of trustee of said town.

How commissioned. § 3. The police magistrate shall be commissioned by the governor as a justice of the peace, and as such shall give bond and take and subscribe the same oath of office as other justices of the peace, and, as such, shall be conservator of the peace for said town, and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority arising in all cases whatsoever with other justices of the peace under the laws of this state, and be entitled to the same fees: *Provided*, that upon the necessary oath being made by the defendant a change of venue shall be granted in all cases from the police magistrate of the town to the nearest acting justice of the peace in the county of Marshall, who is hereby invested in such cases with all the authority of the police magistrate, and shall proceed to try the same: *Provided, also*, that in the event of the death,

Oath of office. *Provided, also*, that in the event of the death,
Jurisdiction of.
Fees.
Proviso.

sickness or absence of the police magistrate, the nearest justice of the peace of the said county be invested with all the powers conferred upon the police magistrate by the provisions of this act.

§ 4. The town constable shall have the same powers and authority, rights, privileges and qualifications, and shall have the same jurisdiction, and be entitled to the same fees, and be liable to the same penalties, as constables now are or may hereafter be under the laws of this state, and shall give a bond conditioned for the faithful performance of the duties of his office, as may be prescribed by ordinance of the corporation hereby created.

Constable—
powers of.

Fees of.
Penalties of.

Bonds of.

ARTICLE IV.

§ 1. On the first Monday in April, 1867, an election shall be held in said town of Sparland for five trustees and one town constable, and on the first Monday in April in each year, forever thereafter, an election shall be held for the election of five trustees and one town constable, who shall hold their office for one year and until their successors are elected and qualified. Said election shall commence at the hour of ten o'clock A. M., and close at the hour of four o'clock P. M. of said day; and for the purposes of said first election, C. F. Hitchcock, M. B. Wright, Wm. M. Bonham, J. M. Callen and John G. Cotton are hereby constituted corporate trustees for said town.

Election of trustees and constables

First trustees.

§ 2. It shall be the duty of said trustees, or any two of them, to give at least ten days' notice of the time and place of holding any election for trustees, or for any other officer of said town, by posting up [notices] in at least three public places in said town, to be judges of elections, to appoint their own clerks, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election, certify the result of the election for police magistrate and town constable to the clerk of the county court of Marshall county, and lay before the board the poll books of elections at its first meeting after an election.

Notice of election.

Clerks of.
Certificates of.

§ 3. If two or more persons shall receive an equal number of votes for any office under the corporation, it shall be the duty of the clerk of the election to serve them with a written notice of such tie vote, and, after such notice, they shall meet and decide, by lot, within five days from the day of election; and all contested elections shall be determined as prescribed by ordinance.

Ties.

§ 4. All persons who are entitled to vote for state and county officers under the laws of this state and have resided in said town thirty days next preceding an election shall be entitled to vote for all officers to be elected under the provisions of this act.

Qualified voters

ARTICLE V.

Taxes.

§ 1. The board of trustees shall have power to provide by ordinance for levying and collecting taxes for city purposes, not to exceed fifty cents on the hundred dollars' valuation; and until they do so provide the tax, not exceeding said sum, shall be assessed and collected by the same assessor and collector whose duty it shall be, by general law, to assess and collect the state and county tax for township twelve (12) north, range No. nine (9) east, in said county of Marshall. It shall be the duty of the board of trustees to certify to the clerk of the county court, as soon as convenient after the assessment is made in each year for state and county purposes, of the rate per cent. of taxation levied by them for general revenue purposes for said year together with a list of all tax payers residing within the corporate limits of said town; and it shall be the duty of said county clerk to extend said tax upon the books of the assessor and collector, in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer owning property in said town; and said tax shall be collected in every respect and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said town at the same time that the county revenue is required to be paid over to the county. Any court which shall order judgment in Marshall county against lands and lots in said town for non-payment of taxes due the state and county, shall, at the same time, include in the same judgment any and all taxes which may be due said town. The clerk of the county court shall receive one per cent. on the amount of tax collected in said town for his services in extending and adding said tax on the assessor and collector's books. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable, on his official bond, for the payment of all such town or corporation tax by him collected.

Appointment of officers.

Bonds of.

Oath of office.

Sanitary measures.

§ 2. The board of trustees shall have power to appoint a clerk, treasurer, street commissioner, pound master, weigh master, and all other officers that may be necessary, and prescribe their duties, and require of the treasurer, police magistrate and town constable bonds, with penalties and securities, for the faithful performance of their duties; also, to require all officers appointed as aforesaid to take an oath for the performance of the duties of their respective offices, before entering upon the discharge of the same.

§ 3. To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction and spread of contagious diseases; to make laws for that

purpose and enforce the same within one-half mile of said town.

§ 4. To provide the town with water ; to sink and keep in repair wells and pumps in the streets, in such places as they shall think best for the convenience of the inhabitants. Water privileges.

§ 5. To open, alter, extend, grade or otherwise improve and keep in repair streets and alleys and remove obstructions therefrom, and to construct and keep in repair bridges. Street repairs.

§ 6. To license, tax and regulate hawkers, auctioneers, teamsters, brokers, peddlers, exhibitors, shows and amusements. Hawkers, brokers, peddlers, etc.

§ 7. To license tax and regulate or prohibit the selling, exchanging and traffic of any wine, rum, gin, brandy, whiskey, ale, porter, beer, cider or other malt, mixed or intoxicating liquors within the limits of said town, and within one-half mile of said town : *Provided*, that no license shall be granted to extend beyond the period when the successors to the board granting the same shall be elected and qualified. Liquor traffic.

§ 8. To provide for the extinguishment and prevention of fires ; to organize and regulate fire companies. Fire and fire companies.

§ 9. To regulate the storage of blasting and gunpowder, tar, rosin, pitch and other combustible materials. Storage of combustibles.

§ 10. To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance. Dogs.

§ 11. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine and goats, and to authorize the distraining, impounding and sale of the same, and to prohibit the indecent exhibition of horses and other animals. Animals at large.

§ 12. To prevent the firing of guns and other combustibles or fire arms within the limits of the town ; to prevent and restrain lewd and unbecoming, profane or indecent language or other disorderly conduct in said town. Disorderly.

§ 13. To prevent horse-racing or other immoderate riding or driving of horses or other animals within the limits of said town ; to compel persons to secure their horses and other animals attached to vehicles or otherwise, while standing or remaining in any street or alley or public road in said town. Horse racing, riding and driving.

§ 14. To define and declare what shall be deemed nuisances, to punish the authors thereof, to authorize and direct the summary abatement of nuisances, and the removal of the same one mile from the boundary of said town. Nuisances.

§ 15. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance. Elections.

§ 16. To provide for taking the enumeration of the inhabitants of the town. Census.

Compensation
and fees.

Exemption
from poll tax.

Calaboose.

§ 17. To fix the compensation of officers of the town, and to regulate the fees of jurors, witnesses and others, for services rendered under this act, by ordinance. The trustees of this town shall be exempt from poll-tax, and serving on juries in cases arising under any ordinance of this town.

§ 18. The board of trustees shall have power to erect, in the town of Sparland, a calaboose, for the confinement and punishment of persons guilty of the violation of the ordinances of the corporation hereby created, and for the purpose of confining persons under arrest for the violation of ordinances of the corporation, when trial is delayed or pending.

Repairs of rail-
road crossings

§ 19. To require railroad companies to construct and keep in repair suitable crossings at the intersection of streets and alleys, when the board shall deem necessary, and to regulate the speed of locomotive engines within the town limits.

Speed of loco-
motives.

Necessary ordi-
nances.

§ 20. The board of trustees shall have power to make and enforce all ordinances necessary to preserve good order, government and harmony in said town; and punish offenders, by fine or imprisonment, or both, in the town calaboose, or by work on the streets in said town, at the rate of one dollar per day, in all cases where such offender shall fail or refuse to pay the fines and forfeitures which may be recovered against them: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state.

Fines and pen-
alties.

Publication of
ordinances.

§ 21. All ordinances passed by the board of trustees shall be published in a newspaper in the town of Sparland, or be posted up in at least three of the most public places in the town, for the space of ten days before they shall take effect or be enforced.

Style of ordi-
nances

§ 22. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Sparland.*"

Proof of ordi-
nances

§ 23. All ordinances may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, purporting to be printed or published in book or pamphlet form by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

ARTICLE VI.

Presiding
officer.
Casting vote.
Pro tem.

§ 1. The president shall preside at all meetings of the board, and shall have the casting vote, and no other. His office shall be filled by appointment, *pro tem.* when absent.

Spec'l meetings

§ 2. The president or any two members of the board may call special meetings of the board.

Exhibit of
accounts, etc.

§ 3. The president shall have power, when he shall deem it necessary, to require of any officer of said town an

exhibit of his books and papers, and shall have to do all other acts required of him by any ordinances made in pursuance of this act.

ARTICLE VII.

§ 1. When it shall be necessary to take private property for opening or altering any street or alley the corporation shall make just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley; and, in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested free-holders of the town. Taking private property for public purpose

§ 2. Whenever all the owners of property on any street or alley shall petition, the board of trustees shall open or alter the same, but no compensation shall be allowed to the owners for property so taken. Petitions for alterations, etc.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided*, in the assessment of such damages they, the jury, shall take into consideration the benefits as well as the injury happening to such property or to the owners thereof by such opening or altering. Benefits and damages.

ARTICLE VIII.

§ 1. The inhabitants of the town of Sparland are hereby exempted from working on any road beyond the limits of the town. Exemption from road labor

§ 2. The board of trustees shall have power and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on the streets and alleys, not exceeding four days in each year; and any such person failing to perform such labor, when duly notified by the supervisor of streets of said town, shall forfeit and pay the sum of two dollars to said town for each day so neglected or refused: *Provided*, the person notified to perform labor on said streets and alleys shall be allowed to procure a substitute equally able as himself, or commute by paying to the street supervisor, within twenty-four hours from the time of notice, the sum of one dollar and fifty cents per day for each day assessed. Street labor.

§ 3. All ordinances and resolutions now in force shall remain in force until the same shall have been repealed. Ordinances to remain in force

- Appeals allowed** § 4. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act to the circuit court of Marshall county; and every appeal shall be taken and granted in the same manner and with like effect as appeals taken from and granted by justices of the peace to the circuit court in similar cases: *Provided*, that when the town shall appeal, a bond, filed by the clerk of the board, in the name of the town, shall be deemed sufficient to obtain an appeal.
- Proviso.**
- Suits at law.** § 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Sparland.
- Vacancy.** § 6. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office shall otherwise be vacated, the board of trustees shall immediately provide for filling such vacancy by election.
- Use of fines, etc** § 7. All fines and forfeitures that may be recovered for any breach of the ordinances of said town or that may be received for licences granted under the ordinances or laws of said town, shall be used for town purposes.
- This act shall be deemed a public law and be in force from and after its passage.
- APPROVED March 5, 1867.

In force March 5, 1867. AN ACT to reduce the several acts relating to the town of Hyde Park, in Cook county, into one act, defining the limits of said town, and the powers and duties of the officers thereof.

- Boundaries.** SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that territory in the county of Cook and state of Illinois, bounded on the north by the city of Chicago, on the west by the west line of sections three (3), ten (10), fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34), in townships thirty-seven and thirty-eight north, range fourteen east of the third principal meridian; on the south by the township line between townships thirty-six and thirty-seven (37) north, ranges fourteen (14) and (15) east of the third principal meridian, and on the east by the state of Indiana and Lake Michigan, shall form and constitute "the Town of Hyde Park," which said town shall be a body corporate and politic, and shall have and exercise all the powers and privileges in this act set forth.
- Name and powers.**
- Officesabolish'd** § 2. The offices of commissioners of highways and overseers of highways, in the town of Hyde Park, as constituted prior to the passage of this act, are hereby abolished, and the

supervisor, assessor, collector, town clerk, justices and constables, and overseer of the poor, of said town, shall continue in office, and for the term for which they were respectively elected; and they and their successors shall exercise the powers and perform their duties in and about the territory hereby forming said town of Hyde Park, in the same manner as before the passage of this act, except as otherwise provided by this act.

Offices continued.

§ 3. From and after the passage hereof, and until the next annual town meeting, the supervisor, assessor, collector, and the two commissioners of highways, having the longest and shortest terms to serve, shall constitute the board of trustees of said town. At the next annual election there shall be elected by the legal voters of said town four trustees, who, together with the supervisor, assessor and collector, shall thereafter constitute the said board. Two of said four trustees shall hold their offices for two years and two of them for one year; and they shall determine, by lot, in the presence of the board, which shall serve the long and which the short term; and there shall be elected annually thereafter two trustees, who shall hold their offices for two years.

Election for officers.

Long and short term.

§ 4. Until the next annual town meeting, the present board of trustees of said town shall continue to be organized, as at the present, with the addition of said two road commissioners; and the supervisor and collector shall be liable on their respective bonds, as now provided by law. Upon the election of the four trustees, as provided above, and annually thereafter, the said board shall elect from their number a president: *Provided*, that neither the supervisor, assessor or collector shall be eligible to such office of president. He shall preside at the meetings of the board, and preserve order; but the board may, in his absence, elect a chairman *pro tem*. The town clerk shall be the

Organization.

President.

clerk of said board, and it shall be his duty to keep correct minutes of all their proceedings. He shall also record, in a book to be kept for that purpose, all the orders, ordinances, regulations or by-laws passed by said board of a police or sanitary character; and, also, he shall record in a separate book, to be kept for that purpose, all orders for special assessments; which said records shall be open to inspection to any inhabitant of said town. The said board are hereby authorized to adopt a common seal, which shall be the seal of the town; and a certified copy of any order, ordinance or proceeding of said board, under the hand of the clerk and the seal of the town, shall be evidence in all courts and places of the truth of the matter therein stated.

Duties of clerk.

§ 5. The assessor shall be the commissioner of special assessments, and perform the duties required of such officer by the terms of this act. The supervisor shall be the treasurer of the town, and shall receive and hold all moneys

Duties of assessor.

belonging to the town arising from general or special taxes, special assessments, fines, penalties, or otherwise; and he shall, upon entering upon the duties of his office, execute a bond to the town of Hyde Park, in such sum and with such sureties as shall be determined by the board, conditioned that he will faithfully account for all moneys that may come into his hands, and will pay the same over pursuant to the provisions of law or the order or resolutions of the board, and that he will faithfully perform the duties of his office. It shall be his duty to keep a correct account of all moneys received and paid out by him, and when required to furnish from time to time to the board a statement of the moneys in his hands.

Duties of
collector.

§ 6. The collector shall, upon entering upon the duties of his office, execute a bond to the town of Hyde Park, in such sum and with such sureties as the board shall determine, conditioned that he will well and truly pay over and account for all moneys that may come into his hands as collector to the party or parties entitled thereto, and that he will faithfully discharge the duties of his said office. Any person, corporation, county or other body or officer, who shall be entitled to receive any such moneys, may have and maintain an action in the name of the town of Hyde Park, to the use of such person, corporation, county or other body or officer, against the said collector and his sureties on said bond, to recover the amount so due.

Quorum.

§ 7. A majority of said board shall constitute a quorum for business; and the said board are authorized to make rules and regulations for their government and order of business, and may appoint such standing or special committees as they shall deem proper. They may hold meetings, from time to time, as they shall determine by their rules, and may adjourn the same, and may hold special meetings, when the president or any two members shall file with the clerk a written request for a special meeting; and the clerk shall thereupon give each member of the board at least three days' notice, in writing, in such manner as the board, by its rules, shall determine. Each member of said board shall, before entering upon the duties of his office, take an oath that he will perform the duties of his office impartially, and according to the best of his abilities.

Committees.

Oath of office.

Appropriations.

§ 8. The board of trustees may, from time to time, appropriate so much money as they shall deem necessary for the purpose of making the improvements which they are authorized by this act to make, and in carrying out the provisions hereof, and their orders, by-laws, resolutions or ordinances; and such amounts shall be deemed a tax on the taxable property of said town. It shall be the duty of the clerk of said board to file with the county clerk of Cook county a certified statement of the amount appropriated by

Certified state-
ment of.

said board, as aforesaid, and the county clerk shall include such amount under the head of "town tax," in the next general warrant issued by him for the collection of state and county taxes in the said town of Hyde Park; and the same proceedings, in all respects, shall be had for the collection of the same as is now provided by law for the collection of state and county taxes; and in no other manner nor by any other vote or authority shall money be appropriated or collected, except in cases of special assessment, as hereinafter provided.

§ 9. No money shall be paid out by the treasurer of said town unless the same shall have been ordered by the board, and then only upon a warrant drawn on him by the clerk, countersigned by the president; and it shall be the duty of the clerk to keep an account of all such warrants drawn by him. The said board shall, at the annual election, present to the voters a printed report showing the amount of moneys ordered and collected, and from what sources derived, and the manner in which the same have been disbursed. No member of said board shall be interested in any contract made with them for the purpose of making any of the improvements contemplated by this act, nor shall the supervisor or collector be entitled to a vote in said board on any question regarding their respective official bonds.

§ 10. No vote of the board shall be rescinded or reconsidered at a special meeting, unless at such special meeting there be present as large a number of members as were present when such vote was taken. Upon the passage of all orders, ordinances or resolutions appropriating or ordering the payment of money, imposing taxes or for special assessments, the yeas and nays shall be called and entered on the record; and the yeas and nays shall, in like manner, be recorded, whenever called for by any member, on any question before said board. The members of said board shall be entitled to receive the sum of two dollars and fifty cents for each day's attendance at the meetings of the board, to be certified to by the clerk.

§ 11. The said board shall have, subject to the provisions of this act, the general management and control of the finances and all the property, real, personal and mixed of the town, and shall likewise, have power, within the territory aforesaid, by ordinance, regulation or by-law—

First.—To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Second.—To regulate and license the selling or giving away of any ardent spirits by any shop-keeper, grocer, trader or other person, to be drunk in any shop, store, grocery, outhouse, yard or other place in said town.

- Tavern keepers
grocers, etc. *Third.*—To license and regulate and restrain tavern keepers, grocers and keepers of ordinaries or victualing or other houses, gardens or places for selling ^{or} giving away wines or other liquors, whether ardent, vinous or fermented.
- Billiards, etc. *Fourth.*—To license and regulate billiard tables, pin alleys, nine or ten pin alleys, ball alleys and shooting galleries.
- Licenses. *Fifth.*—To authorize the president of the board to grant license, and direct the manner of issuing the same, and the registry thereof, and fees to be paid therefor: *Provided*, that no license be granted for more than one year. Bond may be taken, payable to the town, on the granting of license, for the due observance of the ordinances or regulations of the board: *Provided*, that not more than one hundred dollars per year be charged for any license granted under this act by said board.
- Proviso. *Sixth.*—To prevent any riot or noise, disturbance or disorderly assemblage.
- Disturbances. *Seventh.*—To suppress and restrain disorderly houses and groceries and houses of ill-fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.
- Disorderly
houses. *Eighth.*—To compel the owner or occupant of any grocery or celler, tallow chandler shop, soap factory, tannery, or other unwholesome, nauseous house or places, to cleanse or remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said town.
- Nauseous and
offensive es-
tablishments. *Ninth.*—To restrain, regulate or prohibit the running at large of cattle, horses or other animals, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings, and also to impose penalties on the owners of every such animal for a violation of every ordinance in relation thereto.
- Cattle at large. *Tenth.*—To prevent and regulate the running at large of dogs, to tax, and to authorize the destruction of the same when at large contrary to the ordinances.
- Dogs. *Eleventh.*—To make regulations to prevent the introduction or spread of contagious diseases in the town.
- Diseases. *Twelfth.*—To control and regulate the streets, alleys, and other public places, and abate any obstructions, encroachments or nuisances therein.
- Streets, alleys,
etc. *Thirteenth.*—To establish and regulate public pounds.
- Public pounds. *Fourteenth.*—To direct and regulate the planting and preserving ornamental trees in the streets and public grounds in said town.
- Trees, etc. *Fifteenth.*—To determine and abate all nuisances, which are or may be injurious to the public health, in any manner they may deem expedient.
- Nuisances. *Sixteenth.*—To regulate, restrain, prohibit or license breweries, tanneries, packing houses, distilleries, slaughter houses,
- Breweries, tan-
neries, etc.

butcher shops, stock yards, or establishments for the steaming or rendering of lard, tallow, offal, and such other substances as can or may be rendered, boiled and steamed; and all establishments or places where any nauseous, offensive, unwholesome or immoral business may be carried on.

Seventeenth.—To restrain and prohibit the deposit of any night-soil, dead animals, manure or other filthy, offensive or nauseous substances upon any lot, street, alley, highway or other place in said town. Offensive substances.

Eighteenth.—To restrain, prohibit and punish, by fine or imprisonment, or both, the cutting, destroying, marring or defacing any shade tree or ornamental shrub, or other tree, upon any street, highway or other public place, and to restrain and prohibit the defacing of any depot or other building, and to prevent the writing of bawdy or indecent words or the making of obscene pictures in such depot or other buildings. Defacing property.

Nineteenth.—To regulate, restrain [and] prohibit shooting or discharge of fire-arms in said town. Fire arms.

Twentieth.—To punish all persons who shall resist any officer of said town or policeman or other officers or agents appointed by said board in the discharge of his official duties. Resisting officers.

Twenty-first.—To make, publish, ordain, amend and repeal all such orders, ordinances, by-laws, police and health regulations, for the good government of the town and the public health, as may be necessary and expedient to carry into effect the powers vested in said board, or any officer of said town or officer or agent of said board, and to enforce observance of the same by fine, in the discretion of the magistrate or court before which conviction may be had: *Provided*, such fine shall not exceed one hundred dollars. By-laws.

§ 12. Any justice of the peace in said town shall have jurisdiction of any offense committed under this act or the rule, by-laws or ordinances of said board, and changes of venue and appeals may be taken, as in other cases. All fines and penalties, when collected, shall be paid to the treasurer of said town. Jurisdiction of justice of the peace.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name of the town. It shall be lawful to declare, generally, in debt, for such penalty, or forfeiture, stating the clauses of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed and to give the special matter in evidence under it. In all prosecutions the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Any fine or penalty may be remitted, or any person imprisoned by virtue hereof may be discharged by a vote of the board of trustees. Suits at law.
Summons.

- Posting by-laws § 14. Every ordinance, regulation or by-law imposing a penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be posted up in at least three of the most public places in said town.
- Incompetent. § 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of said town in any action or proceeding in which the said town shall be a party.
- Arrests. § 16. All officers of said town and such policemen as said board may appoint shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, or who shall be found by them in the act of violating any of the regulations, ordinances or by-laws of said board, and, if necessary, detain such persons in custody over night in some place, and shall have and exercise such other powers as conservators of the peace as the board may prescribe; and said board may appoint one or more policemen and prescribe their duties; and the said policemen or any constable in said town may serve any process or make any arrest authorized by this act or the regulations, by-laws or ordinances of said board; and said board may, also, appoint other officers and agents for the purpose of carrying out and executing their ordinances, by-laws or regulations, and may prescribe their duties and compensation and term of office.
- Policemen and duties.
- Bonds. § 17. No member of said board, who is required by the terms of this act to execute a bond upon entering on the duties of his office, shall be entitled to a vote on the approval of the bond required to be given by him.
- Meetings and elections. § 18. The said board shall determine the place of holding the town meetings in said town. And the officers of election shall perform the duties of their office as now provided by law. The election of any member of said board may be contested in the same manner as provided for contesting the election of other town officers. The said board shall have power to fill any vacancy that may occur in their number; and they may remove a member who shall be found guilty of malfeasance in office or who shall have violated his oath of office or been guilty of a felony: *Provided*, such member shall first have an opportunity to be heard upon any charge preferred against him. The said board may appropriate so much money as they shall deem proper for the compensation of the town clerk or any officer or agent appointed by them.
- Compensation. § 19. The said board shall have power, from time to time—
- Street and alley improvements *First*.—To lay out public streets, alleys, lanes and highways, and to extend, alter, widen, contract, straighten, name and discontinue the same.
- Grade, pave, etc *Second*.—To cause any street, alley, lane or highway to be filled, graded, leveled, paved, bridged, macadamized, culverted or otherwise improved, and keep the same in repair.

Third.—To cause any sidewalks, public and private drains, sewers, ditches or aqueducts to be constructed, laid, relaid, erected, cleaned and repaired. Side walks.

§ 20. *Fourth.*—To perfect the title to any park in which the town of Hyde Park may have an interest, and to protect, ornament and improve the same. Parks.

§ 21. The board of trustees of said town may, also, have power to levy and collect special assessments upon any land in said town for any public improvement; or any public improvement may be paid for out of the general town money or a portion of the expense paid out of the general town money and a portion paid by special assessments, as may be determined upon by the board of trustees; whenever it shall be deemed necessary to take and condemn land for the purpose of laying out any street, road or public highway, or for any other public purpose authorized by said board, the benefits resulting therefrom shall be taken into consideration in estimating the value of the land to be taken. Special assessments.

§ 22. On making any improvement the said board shall proceed to estimate how much of the expense thereof may be properly chargeable to real estate especially benefited by such improvements, and how much thereof may be properly chargeable to and paid out of the general town money; and if the said board shall order such improvement, the order shall specify what amount shall be assessed upon the property deemed specially benefited, and what amount shall be chargeable to and be paid out of the general town money. Expenses and benefits.

§ 23. Before entering upon his duties the commissioner shall give six days' notice, by posting up notices in three of the most public places in said town of Hyde Park, of the time and place of making such assessment, to all persons interested; and he may, if necessary, adjourn from day to day. The commissioner shall assess the amount directed by the said board of trustees to be assessed upon the real estate by him deemed benefited by any such improvement, in proportion to the benefit resulting thereto, as nearly as may be, and briefly described in the assessment roll to be made by him of the real estate in respect to which any assessment is made. Whenever any such improvement shall require the condemnation or appropriation of any land or real estate the commissioner shall proceed to ascertain and assess the damages and recompense due the owners of such lands respectively, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages, together with the cost of the proceeding, on the real estate by him deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel, and the assessment Duties of commissioners

shall cover only the damage for the real estate appropriated and the cost of proceedings.

Delivery of copy
of assessments

Duties of
town clerk.

Appeals.

Revision of
assessments.

New assessments.

Additional
assessments.

Compensat'n of
commissioners

Filing of
assessments.

Collection of.

§ 24. When the commissioner shall have completed his assessment and made a corrected copy thereof, he shall deliver the same to the town clerk of said town of Hyde Park within forty days after the ordering of such improvement by the board, signed by the commissioner. The town clerk shall, thereupon, cause notices to be posted up in three of the most public places of said town of Hyde Park; for the space of six days, to all persons interested, of the completion of the assessment and the filing of the roll. Time and place shall be designated therein for hearing objections. Any person interested may appeal to said board of trustees for the correction of the assessment. Appeals shall be in writing and filed in the town clerk's office within six days after the notices shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment or to order a new one; which shall be final and conclusive on all parties interested, if confirmed. When confirmed the assessment shall be collected as hereinafter provided; and no appeal or writ of error shall lie in any case from such order and determination. If any assessment be set aside by order of any court, the board of trustees may cause a new one to be made, in like manner, for the same purpose, for the collecting of the amount so assessed.

§ 25. If the first assessment prove insufficient, another may be made in the same manner, or if too large a sum shall at any time be raised the excess shall be refunded, ratably, to those by whom it was paid.

§ 26. The commissioner may be sworn into office by the town clerk, and said commissioner shall be allowed three dollars per day for each day of actual service, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.

§ 27. When said assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate in said town of Hyde Park to set down in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amount of said assessment, respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessments and enforce the pay-

ment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the officer entitled to receive the town tax at the same time that he is required to pay over the county revenue; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate, for the non-payment of the said assessment and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes and the assessments aforesaid. The sale shall be conducted upon the same notice and judgment and in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner and deeds for property sold for any assessment levied under this act shall be executed by the same persons and shall have the same effect, as evidence, as deeds executed in pursuance of the laws now in force or hereafter to be enacted providing for the collection of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessment as is allowed for the collection of state and county revenue, to be paid out of the proceeds of such assessment, when collected.

Disposition of.

Judgments.

Sale of real estate.

Right of redemption.

Collector's compensation.

§ 28. The commissioner, in making said assessment, shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvement and the injuries arising to them respectively from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefits which such owners may, respectively, derive from such improvement.

Injuries.

§ 29. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioner shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collected of them or paid to them.

Damages and benefits.

§ 30. The said board shall have power to locate, erect or purchase one or more buildings for town purposes, or for the use of said board, and they are hereby authorized to provide for the expenses of such buildings and land on which it may be located in the same manner as is provided for other public improvements.

Purchase of buildings.

§ 31. Nothing in this act shall be so construed as in any manner to authorize or empower the trustees of said town or its officers or agents to prohibit, interfere with obstruct or hinder such parties, their successors or assigns, as are now engaged in the business of conveying from the city

of Chicago to any point south of the town line between townships thirty-seven (37) and thirty-eight (38) north, ranges fourteen (14) and fifteen (15) east of the 3d P. M., offal or any other animal matter, and the manufacture of the same into an agricultural fertilizer or other chemical product or the rendering and straining of any such animal matter south of said line by the parties aforesaid.

§ 32. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 5, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Ogle Station, in the county of Lee," approved February 16, 1865, and to change the name of said town to Ashton.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, the name of the town of Ogle Station, in Lee county, shall be and the same is hereby changed to "Ashton."

Rights reserved § 2. Nothing in this act shall be construed to interfere with the rights of any person or persons heretofore acquired, nor to affect the title to any real estate or other property, nor to affect any part of any [act] of incorporation heretofore passed, not in conflict with this act or any ordinance passed in the name of the town of Ogle Station; and the additions to said town of Ogle Station shall hereafter be designated as additions to the town of Ashton.

Justice of the peace. § 3. There shall be elected at the first regular election of corporation officers, and every four years thereafter a justice of the peace, who shall hold his office in said corporation, and shall have all the powers and jurisdiction of other justices of the peace, who shall give bond, be commissioned and qualified in the manner of other justices.

Appropriate money. § 4. To appropriate money and to provide for the payment of the debt and expenses of the town.

To secure general health. § 5. To make regulations to secure the general health of the inhabitants of the town; to prevent the introduction and spread of contagious diseases; and to determine what shall be a nuisance and provide for the punishment, removal and abatement of the same within one mile each way of the corporate limits of said town.

Open, alter and abolish streets. § 6. To lay, open, alter, abolish, extend, grade, pave or otherwise improve and keep in repair, the streets and alleys of said town, and to erect and keep in repair bridges within the limits of the town.

- § 7. To establish a uniform grade for streets and side-walks in said town. Grade to streets and side-walks
- § 8. To provide for the erection of all needful buildings for the use of said town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burying grounds belonging to the town. Erect buildings
Public grounds.
- § 9. To regulate partition fences, and to provide for the inspection of hay, corn, wheat, oats and other grains, stone, stone coal, and for the measurement of wood and fuel, to be used in said town. Fences.
Forage and fuel
- § 10. To prevent the running at large of mischievous or diseased animals, and to prevent the indecent exposure of horses and other animals, and to impose penalties upon the owner or owners of such animals for the violation of any ordinance in relation thereto. Animals.
- § 11. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinance in such cases made and provided. To prevent the firing of squibs, guns, rockets or other fire works or combustibles within said town. Dogs.
- § 12. They shall have power to prevent the encumbering of any street, lane, avenue, road, alley or public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or inclosure or inclosed lot within said town. Street encumbrances.
- § 13. To license, tax and regulate auctioneers, peddlers, shows and amusements and billiard tables. License of peddlers, etc.
- § 14. To have exclusive power over all the streets, avenues, sidewalks and alleys, and to remove and abate any obstructions or encroachments therein; and to compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises occupied by them. Street obstructions.
- § 15. The president and trustees shall have power to erect, in the said town, a calaboose, for the confinement and punishment of persons guilty of violating the ordinances of the corporation hereby created, and for the purpose of confining persons under arrest for the violation of ordinances of the corporation when trial is delayed. Calaboose.
- § 16. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, when the president and trustees shall deem [it] necessary, and to regulate the speed of locomotive engines within the town limits. Railroad crossings.
- § 17. To license, tax and regulate hackney carriages, wagons, carts and drays, and to fix the rates to be charged for the carriage of persons and for the wagonage, and cartage and drayage of property, and to prevent the same from being done without a license. Public vehicles.

Taxes.

§ 18. The president and trustees shall have power to levy, annually, a tax on all real estate within the limits of the corporation and upon all personal property of the town, not exceeding one per cent. of the value thereof.

Taking private property for public uses.

§ 19. Whenever it shall be necessary to take private property for opening or altering any street or alley, the corporation shall make just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon the corporation justice of the peace shall cause the same to be ascertained by a jury of six disinterested men who shall be freeholders of said town.

Petition of and compensation to owners.

§ 20. Whenever all the owners of property on any street or alley proposed to be opened or altered shall petition therefor the president and trustees shall provide for the opening or altering the same; but no compensation shall be allowed to such owners for their property so taken.

Benefits and damages.

§ 21. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering of any street or alley, shall first be sworn to that effect and shall return to the justice of the peace their inquest in writing, signed by each juror: *Provided, always*, that in the assessment of such damages they, the jury, shall take into consideration the benefits as well as the injury happening to such property or to the owner thereof by such opening or altering.

Proviso.

Liquor licenses.

§ 22. The president and trustees are hereby expressly and forever prohibited from granting license to any person or persons in said town of Ashton to sell, traffic, exchange, barter or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky or intoxicating liquors, drinks or beverages, of any kind whatever, including Hostetter's Stomach Bitters, Plantation Bitters, Roback's Bitters, Red Jacket Bitters, Swain's Bourbon Bitters, or any other bitters of whatsoever manner or kind, containing intoxicating liquors; and no person shall be permitted to bring into said town or keep about his or her or their premises, saloon, cellar, dwelling house, out house, or in any other place in said town or within three miles thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein in any way whatever: *Provided*, the president and trustees may grant license to two discreet persons, and no more, in said town, to sell wines or other spirituous liquors for mechanical, medicinal and sacramental purposes only. And the said president and trustees shall have power, at any regular meeting, to revoke said license. Any person or persons violating any of the provisions of this section of this charter shall forfeit and pay into the treasury of said town, for the use of the inhabi-

tants of said town, not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by an action of debt before the police magistrate or other justice of the peace in said town; and in case any offender shall refuse or fail to pay such fine or fines and costs, as may be adjudged or assessed against him, her or them, by said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail for a term of not less than thirty days, unless said fines and costs be sooner paid.

§ 23. The president of the board of trustees of said town shall be, *ex officio*, member of the board of supervisors of the county of Lee, and shall have the same powers and be entitled to the same compensation as other supervisors of said county. Supervisors and powers.

§ 24. The president and trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state. Necessary ordinances.

§ 25. The style of the ordinances shall be, "*Be it ordained by the President and Trustees of the Town of Ashton.*" Style of ordinances.

§ 26. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, of the time, place and manner of the publication of such ordinances and by-laws, in a book to be kept and provided for that purpose; and such book, purporting to be the record book of the corporation of the said town of Ashton, shall be received in all courts, without further proof, as evidence of the matter therein contained. And all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Ashton, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such of the book or books in which the same is or are recorded, if such book or books purport to be the record books of said corporation. And all ordinances and by-laws hereafter passed by the president and trustees, before taking effect, shall be published at least five days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board of trustees, and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed thereon by the president and clerk of the board of trustees, with their own proper signatures; and the said clerk, at the time of making such record entry, shall attach thereto the common seal of the Clerk's duties.

corporation and shall also note the date of the adoption and of the publication and the time of the taking effect thereof.

Repealed acts.

§ 27. All acts or parts of acts passed February 16th, 1865, for the incorporation of the town of Ogle Station, inconsistent with this act, are hereby repealed.

§ 28. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 5, 1867.

In force Feb'y 25, 1867. AN ACT to incorporate the town of Oconee, in Shelby county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Oconee, in the county of Shelby and state of Illinois, be and they are hereby constituted a* body politic and corporate, by the name and style of "The Town of Oconee;" and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity; and may have and use a common seal, and alter the same at pleasure.

Name and style.

Boundaries.

§ 2. The following district of country shall be included within the boundaries of said town of Oconee, to-wit: Embracing section No. twenty-nine (29), township No. ten (10), range one (1) east of the third principal meridian.

Additions.

§ 3. Any tract of land adjoining said town of Oconee, which has been laid off in town lots and duly recorded as an addition to the town of Oconee, and any tract which may hereafter be so laid out and duly recorded, shall be annexed to and form a part of the town of Oconee.

Powers.

§ 4. The inhabitants of said town, by the name and style of "The Town of Oconee," shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; and to purchase and hold property, both real and personal, in said town, and to purchase and hold real property beyond the limits of said town, for burial grounds for the use of the said inhabitants; and to sell, lease, convey and improve property, both real and personal, for the use of said town, and to do all things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL.

President and councilmen.

§ 1. There shall be a town council, to consist of a president and four councilmen.

Term of office.

§ 2. The board of council shall be elected by the qualified voters of the town, and shall serve for one year.

§ 3. No person shall be a member of the town council who is not at the time of his election a resident of the town, twenty-one years of age, a citizen of the United States, or who shall not at the time of his election be a resident of the state twelve months, and be a freeholder in said town. Qualifications.

§ 4. The town council shall judge of the qualifications and returns of its own members, and shall determine all contested elections, [and a majority] shall constitute a quorum. Returns
Quorum.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and shall keep a complete record of its proceedings, and the yeas and nays, when demanded by any member, shall be entered on the record. Rule of
proceedings.
Records.

§ 6. All vacancies that may occur in the town council during the year of service shall be filled by the council. Vacancies.

§ 7. The president and council shall take an oath, before entering upon the duties of office, that they will well and truly perform the duties of their office to the best of their skill and ability, and such other oath as the constitution and laws of the state may require. Oath of office.

§ 8. The council shall meet at such times and places as may be prescribed by ordinance. Meetings.

ARTICLE III.

OF THE PRESIDENT,

§ 1. The chief executive officer of the town shall be a president, who shall be elected by the qualified voters of the town, and shall hold his office for four years and until his successor shall be elected and qualified. President—
term of office.

§ 2. No person shall be eligible to the office of president who shall not have been a resident of the town for one year next preceding the election, who shall not be at least twenty-five years of age, who shall not be a citizen of the United States, and who shall not be a freeholder of said town. Eligibility.

§ 3. Whenever any vacancy shall occur in the office of president it shall be filled by election, as may be prescribed by ordinance, and in all contests as to the election of president the council shall decide. Presidential
vacancies.

§ 4. The president shall preside at all meetings of the council, and shall have the casting vote only; and in case of his absence at any meeting of the council, a chairman *pro tem.* shall be appointed by the council. Presiding
officer.

§ 5. The president or any two councilmen may call a special meeting. Special meet-
ings.

§ 6. The president is hereby authorized to call on all able-bodied inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances; Aid in enforcing
laws.

and any person who shall not obey such call shall forfeit and pay a fine of not exceeding ten dollars.

Power of
president.

§ 7. The president shall be a conservator of the peace of said town, shall have power to administer oaths and to issue writs and process, under the seal of the town, to take depositions, the acknowledgment of deeds, mortgages and other instruments in writing, and to certify the same under the seal of the town, which shall be good and valid in law; and he shall receive for such services the same fees as the clerk of the circuit court.

Fees.

Jurisdiction.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent power and jurisdiction with justices of the peace, in all civil and criminal cases within the county of Shelby, arising under the laws of this state; and for such services in such cases he shall receive the same fees and compensation as justices of the peace.

Penalties for
neglect of duty

§ 9. In case the president shall be guilty of a willful and palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality, in the discharge of his duties, he shall be liable to indictment in the circuit court of Shelby county, and, upon conviction, shall be fined not exceeding two hundred dollars; and the court shall have power, upon the recommendation of the jury who may try said indictment, to add to the judgment of the court that he be removed from office.

Appeals.

§ 10. In all cases before the president, arising by ordinance or otherwise, appeals shall be allowed to the circuit court of Shelby county, in the same manner as in similar cases before justices of the peace.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Taxes.

§ 1. The town council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half per centum upon the value thereof, and may enforce the payment thereof by ordinance, not inconsistent with the constitution and laws of this state; and the term "property," as used in this act, shall be construed to mean the same as the word "property" as used in the general revenue laws of this state.

Payment of.

Town officers.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets, collector, and all such officers as may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof.

Bonds.

§ 3. The town council shall have power to require of all officers appointed in pursuance of this charter, bonds, with sufficient penalty and security, and also to take an oath for the faithful discharge of their duties.

- § 4. To appropriate money and provide for the payment of the debts and expenses of the town. Debts and expenses.
- § 5. To make all necessary regulations to secure the health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same. Sanitary regulations.
- § 6. To provide the town with water; to erect hydrants and pumps in the streets, for the convenience of the public. Water privilege
- § 7. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, squares, avenues, lanes and alleys. Street improvements.
- § 8. To erect and keep in repair bridges; to provide for lighting the streets and erecting lamp-posts; to establish, maintain and regulate night-watches. Bridges, lights and lamps.
- § 9. To establish markets, erect market houses and places, and provide for the government and regulation of the same. Markets.
- § 10. To provide for the erection of all needful buildings for the use of the town. Buildings.
- § 11. To provide for inclosing, improving and regulating all public grounds belonging to the town. Public grounds.
- § 12. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers and pawnbrokers. Auctioneers, peddlers, etc.
- § 13. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for wagonage, cartage and drayage of property. Vehicles.
- § 14. To license and regulate porters. Porters.
- § 15. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Exhibitions.
- § 16. To restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses. Gaming, etc.
- § 17. To suppress gaming of all kinds.
- § 18. To provide for the prevention and extinguishment of fires, and to establish fire companies. Fires, etc.
- § 19. To regulate the fixing of chimneys, and to fix the flues thereof. Chimneys and flues.
- § 20. To regulate the storage of gunpowder and other combustible materials. Storage of combustibles.
- § 21. To establish standard weights and measures and regulate the same, to be used in the town, not repugnant to the laws of this state. Weights and measures.
- § 22. To provide for the inspection and measurement of lumber and other building materials. Lumber, etc.
- § 23. To provide for the inspection and weighing of hay, stone coal, and the measurement of charcoal and firewood. Fuel, etc.
- § 24. To provide for the inspection of beef, pork, flour, meal, butter, lard and other provisions. Provisions.

- Census. § 25. To provide for taking the enumeration of the inhabitants of the town.
- Bricks. § 26. To regulate the size of brick to be used and sold in the town.
- Election of officers. § 27. To regulate the election of town officers, and provide for the removal from office of any person holding an office by ordinance.
- Compensation. § 28. To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or under any ordinance.
- Police. § 29. To regulate the police of the town, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the appropriation and recovery of such fines and forfeitures and the enforcement of such penalties.
- Billiards, etc. § 30. To regulate, suppress and prohibit billiard tables and bowling alleys.
- Necessary ordinances. § 31. The town council shall have power to make all ordinances which shall be necessary and proper to carry into execution and effect the powers specified in this act, and which may be necessary for the good government and general health and improvement of the town, not repugnant to the constitution and laws of this state.
- Style of ordinances. § 32. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of Oconee.*"
- Disposition of moneys. § 33. All moneys collected under any town ordinance shall be deemed and taken to belong to the town, and shall be appropriated and disposed of by the council for the use and benefit of the town.
- Publication of ordinances. § 34. All the ordinances, within one month after their passage, shall be published in some newspaper in said town or posted up in four public places thereof, and shall not be in force until five days after such publication or posting.
- Proof of ordinances. § 35. All ordinances of the corporation may be proved by the seal thereof, and when printed in book or pamphlet form, and purporting to be printed by the authority of the corporation, or when shown, the seal of the corporation attached thereto, the same shall be received in evidence in all courts and places without further proof.

ARTICLE V.

OF PROCEEDINGS IN SPECIAL CASES.

- Private property taken for public purposes. § 1. When it shall be necessary to take private property for opening, widening, extending or altering any street, lane, avenue or alley, the corporation shall make just compensation therefor; and when the same can not be agreed upon the president shall cause a jury of twelve persons, disinterested and freeholders of the city, to ascertain said compensation; and the person whose property is proposed to be taken shall have ten days' notice of the intention to

select the jury aforesaid, and may appear at the office of the president and exercise the same privilege to challenge as persons can in civil cases in the circuit courts in this state.

§ 2. In case the person whose property it is proposed to take shall be a non-resident, notice of the selection of said jury and the object of the said selection and the time and place when and where the selection will be made shall be given by publication in some newspaper published in said town or county at least thirty days before the time of selection, and then the same rights shall be enjoyed as in section one of this article. Non-residents.

§ 3. When the majority of the owners of all the property on any street, avenue, lane or alley shall petition for the opening, widening or altering the same, the town council may open, widen or alter the same, as may be prescribed by ordinance. Petitions.

§ 4. In all cases, in taking private property, as provided in this article, the *venire* for a jury shall be issued by the president, and the jury shall be first duly sworn, and shall estimate only the value of the property to be taken, and having determined this shall return their inquest, under their hands and seals, to the president; and until the value of the land so proposed to be taken shall be paid to the proper person, or in case of his absence from the town shall be placed in some safe deposit, the land shall not be appropriated. Jury.
Inquests.

§ 5. When such inquest shall be properly returned, the president shall report the same to the town council, and the clerk of the council shall thereupon give ten days' notice in some newspaper published in said town or county that the inquest has been returned and that on a certain day it will be confirmed by the council, if no objections be made to appear. Objections may be heard by the town council; and the hearing may be adjourned from day to day, for that purpose. The council shall have power to confirm or annul the inquest, and, for that purpose, shall make the necessary order on the record, or may order a new inquest; in case of which the same proceedings shall be had as provided in this article. Return of
inquests.
Confirmation.

§ 6. Any person interested may appeal from the final order of the town council to the circuit court of Shelby county, by giving notice, in writing, to the clerk of the council, at any time before the expiration of thirty days from the passage of the final order. In case of appeal, the town clerk shall, within twenty days after notice to him, return all papers connected with said inquest to the clerk of the circuit court. Upon the trial in the circuit court all questions involved in said proceedings, including the value of the property, shall be heard and determined, and either party shall be allowed a jury. Appeals.

Special taxes.

§ 7. The town council shall have power to levy and collect a special tax on the owners of lots on any street, lane, avenue or alley, according to their respective fronts, for the purpose of grading, paving or planking side-walks, filling up streets and alleys, lighting the same, and for any necessary improvement thereof, and keeping the same in repair, to be collected the same as other taxes: *Provided*, said tax shall not exceed the cost of the work.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

Manner of collecting taxes.

§ 1. All taxes and assessments levied by the town council, which shall be paid as fixed by ordinance, shall be collected as the council may prescribe by ordinance, not inconsistent with the constitution and laws of this state; and full power is hereby given to adopt the mode and manner, as specified in an act entitled "An act to amend the charters of the several towns and cities in this state," passed March 1st, 1854.

Street labor.

§ 2. All able bodied male inhabitants in said town, over twenty-one years of age, shall be required to labor on the streets, avenues, lanes and alleys, not exceeding two days in each and every year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the town.

Punishments.

§ 3. The town council shall have power to provide, by ordinance, for the punishment of any offender, by imprisonment in the county jail [or] calaboose, in any case, upon failure to pay fines and forfeitures and penalties, as provided by this act or by ordinance; and the said town council is hereby authorized to use the said jail for said purposes.

Remain in force

§ 4. All ordinances heretofore passed or that may be passed by the president and trustees of the town of Oconee shall remain in full force until repealed by the town council.

Suits at law.

§ 5. All actions brought to recover any fine, penalty or forfeiture under this act or under any ordinance of the town council, shall be brought in the corporate name. It shall be lawful to declare in debt for the same, stating the section of the law or the ordinance under which the fine or penalty is claimed, and to give the special matter in evidence. In all such cases, when the fine or penalty is under one hundred dollars, the president shall have jurisdiction, and shall commence the prosecution by warrant.

Evidence of act.

§ 6. This act [is] hereby declared to be a public act, and shall be read in evidence in all courts of law or equity, without proof.

Conflicting acts repealed.

§ 7. All acts or parts of acts inconsistent with the provisions of this act, except as hereinbefore excepted, are hereby repealed.

§ 8. The town marshal or any officer authorized to execute writs or other process issued by the president, shall have power to execute the same within the limits of the county of Shelby, and shall be entitled to the same fees as are allowed to constables in similar cases. Processes.

§ 9. That there shall, on the first Monday in April next, and on the first Monday of April thereafter, annually, be elected a president, who shall hold his office for the time of four years and until his successor is elected and qualified; also, four trustees for said town, who shall hold their offices for one year and until their successors are elected and qualified. And notice of the time and place of the first election shall begin by an acting justice of the peace and any eight legal voters of said town, by posting up at least four notices in the most public places in said town at least ten days before the time of holding the same; and, annually, thereafter, notices of election shall be given by the president and trustees, by publishing the same in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the same time of notice as aforesaid. No person shall be elected trustee in said town who shall not be entitled to vote for state and county officers, and who shall not have been for one year previous to such election a *bona fide* resident within the incorporated limits of said town, and shall have paid taxes within the same. Election of officers.

§ 10. This act shall be in force from and after its passage. Notice of elections.

APPROVED February 25, 1867. Qualification of officers.

AN ACT to incorporate the town of Kansas, in Edgar county, Illinois. In force Feb' 25, 1867.

ARTICLE FIRST.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Kansas, in the county of Edgar, and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "The Town of Kansas;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure. Name and style
Succession.

§ 2. The boundaries of said town shall include and be as follows: The east half of south-east quarter of section twenty-two (22), and the southwest quarter and the west half of the southeast quarter of section twenty-three (23), and the west half of the northeast quarter section twenty- Boundaries.

six (26), and the east half of the northeast quarter of section twenty-seven (27), situated in town thirteen (13), range (14) fourteen west of the second principal meridian.

Additions.

§ 3. When any tract of land adjoining the said town of Kansas shall be laid off into lots and recorded as a plat, according to law, the same shall be annexed to and form part of said town of Kansas.

Corporate powers.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law or equity, and in all actions whatsoever; to purchase, receive and hold property, real, beyond the limits of said town, for burial grounds, for the use of the inhabitants of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and do all other things in relation thereto as natural persons.

President and trustees.

§ 5. The government of said town shall be vested in a president and four trustees, elected by the qualified voters of said town. And no person shall be a trustee or president of said town who has not arrived at the age of twenty-one years, and has not resided in said town one year next preceding such election, and who is not a citizen of the United States of America.

Term of office.

§ 6. The president and trustees of the present town of Kansas shall remain in office and discharge all the duties of their respective offices until the election shall be held under the provisions of this act: *Provided*, the president shall vote only in case of a tie.

Proviso.

Time and place of elections for officers.

§ 7. There shall be an election held in said town on the first Monday in April, A. D. 1867, for the election of said board of town council, as provided in section five of this act; and, annually, thereafter, on the first Monday in April, there shall be held an election for said officers.

Qualifications.

Proceedings.
Punishments.

Expulsion.

Quorum.

Absentees.

§ 8. The board of trustees shall determine the qualifications of its own members, and have power to determine the rules of their own proceedings; punish a member for disorderly conduct, and, with the concurrence of three-fourths of the said board of trustees, expel a member for disorderly conduct. A majority of said board of trustees shall constitute a quorum, but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as may be provided by ordinance.

Oath of office.

§ 9. Each of the board of trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, and to support the constitution of the United States and of this state.

Regular meetings.

§ 10. There shall be held at least one regular meeting of said trustees every three months, at such time and place as may be prescribed by ordinance, with power to adjourn,

from time to time, as may be deemed necessary. The president of said board of trustees shall preside at all meetings, when present, but, in case of his absence or inability to preside at any meeting of the board, one of the board of trustees shall be chosen to preside at that meeting. The president or any two trustees may call a special meeting, when deemed necessary.

Presiding officer
Special meetings.

§ 11. The said board of trustees shall have power, from time to time—

First.—To cause any street, alley or highway to be opened, altered, widened, extended, graded, or paved, or otherwise improved, and to keep the same in repair.

Street improvements.

Second.—To cause side-walks, cross-walks, main drains and sewers, private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Sidewalks, etc.

Third.—To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into said town; to prevent depositing any dead bodies, night-soil, corrupt or filthy substance or thing in said town, and to make laws or rules for that purpose and enforce the same.

Health regulations.

Fourth.—To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance; to prevent dog fights, prize fights or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town.

Dogs.
Fights, etc.

Fifth.—To license, regulate or prevent the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider or intoxicating liquors within the limits of said town. And any person who shall take out a license from said board of trustees, as prescribed by ordinance, shall not be required to take a license from the county clerk; and the money received for such license shall be paid over to the treasurer of said town, and laid out on the streets and alleys of said town.

Liquor traffic.
License.
Disposition of moneys collected.

Sixth.—To license, tax and regulate or suppress theatrical and other exhibitions, shows and amusements.

Exhibitions.

Seventh.—To prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Eighth.—To provide for inclosing, improving and regulating all public grounds belonging to said town.

Public grounds.

Ninth.—To require railroad companies to construct and keep in repair suitable crossings at the intersection of streets, roads and alleys, when the board of trustees shall deem it necessary, and to regulate the speed of locomotive engines within the town or any particular part of the town. To cause railroad companies to keep open and in repair ditches, drains, sewers or culverts, on the sides of their railroad tracks, so that filthy or stagnant pools of water can not

R. R. crossings.
Speed of Locomotives.
Ditches, etc.

stand along their track, to the injury of said town or the health of the inhabitants thereof.

Nauseous and
offensive build-
ings.

Tenth.—To compel the owner or occupant of any soap factory, tallow chandler shop, tannery, grocery, privy, cellar, barn, stable, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same as often as may be necessary for the health and comfort of the inhabitants of said town; to direct the location of and regulate, licenses and restrain, within said town, distilleries, slaughtering houses or houses for steaming or rendering lard, tallow, offal or such other substances as can or may be rendered; of all places where any nauseous, offensive or unwholesome business may be carried on. To restrain and punish by fine or improvement, the shooting of guns in said town.

Distilleries, etc.

Fire arms, etc.

Nuisances.

Eleventh.—To abate and remove nuisances, and punish the authors thereof, by penalties, fines and imprisonment; but nothing in this act shall be so construed as to oust any court of jurisdiction by indictment or otherwise.

Defacing public
property.

Twelfth.—To restrain, prohibit and punish, by fines and imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways, streets or alleys of said town.

Police and
officers.

Thirteenth.—To appoint as many policemen as they may deem necessary and all other officers, for the purpose of carrying on the government of said town, as are not provided for in this act, and shall prescribe, by ordinance, their duties, and shall have power to remove any such officer or policeman for any improper conduct or for failing to discharge the duties of his office properly.

Bonds—oath of
office.

Fourteenth.—To require of any such officer, so appointed, to give good and sufficient bond for the faithful performance of his duty, and also to take the usual oath of office before entering upon his duty.

Police magis-
trate and con-
stable.

§ 12. There shall also be elected, on the first Monday in April, A. D. 1867, and annually thereafter, a police magistrate and police constable for said town. Said police magistrate to be commissioned by the governor of the state. And said police magistrate and police constable shall have power and concurrent jurisdiction, as other justices of the peace or constables, in the county of Edgar; and said police magistrate shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation; and these officers shall have the same fees for services as other justices of the peace and constables.

Jurisdiction.

Fees.

Suits at law.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances or resolutions, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for so much penalty or forfeiture, stating the clause of this act or the by-laws or

ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 14. In all prosecutions for the violation of any ordinance, by-law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases. Any fine imposed for violation of any order, ordinance or regulation shall be paid to said board, and shall by them be used to defray the expenses as may be incurred in the exercise of their powers.

Processes.

Disposition of fines.

§ 15. The expenses of any such improvement or regulation mentioned in the foregoing sections shall be assessed upon the real estate in said town of Kansas benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefit resulting thereto.

Assessments.

§ 16. The amount to be assessed for any such improvement or purpose shall be determined by the said board of trustees, and they shall, by ballot, appoint, by a majority of said board, two responsible freeholders of said town of Kansas, who, with the assessor of said town, (who shall be one of the three commissioners,) shall make such assessment. The commissioners thus appointed shall be sworn faithfully and impartially to make such assessment and to do their duty to the best of their ability.

Determination of assessment.

§ 17. Before entering upon their duties, the commissioners shall give six days' notice, by posting up notices in three of the most public places in the said town of Kansas, of the time and place of meeting, to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by said board of trustees to be assessed upon the real estate by them deemed benefited, resulting thereto, as nearly as may be, and briefly described in the assessment roll to be made by them, the real estate in respect to which any assessment is made.

Publication of notice of assessment.

Benefits.

§ 18. When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the town clerk of the said town of Kansas, within sixty days after their appointment, signed by all the commissioners. The town clerk shall, thereupon, cause notices to be posted up in three of the most public places of said town of Kansas, for the space of six days, to all persons interested, of the completion of the assessment, and the filing of the roll, and the time and place shall be designated therein for hearing objections.

Delivery of assessments to town clerk.

Notice of completion of assessments.

Objections.

§ 19. Any person or persons interested may appeal to said board of trustees for the correction of the assessment. Said appeals shall be in writing and filed in the town clerk's office within six days after the notice shall have been posted up as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their

Appeals.

Revision of assessments.

- discretion, to revise and correct the assessment, appointing three other commissioners, or, by themselves, or in any other way they may think best, which shall be final and conclusive on all parties, if confirmed; and, when confirmed, the assessment shall be collected as hereinafter provided. And no appeal or writ of error shall lie in any case for any such order or determination. If any assessment be set aside by order of any court the board of trustees [shall] cause a new one to be made, in like manner, for the same purpose, for the collecting of the amount so assessed. If any vacancy happens the office of commissioner at any time by reason of removal, failure or refusal or inability from sickness or other cause to serve the board of trustees may fill such vacancy. If the first assessment prove insufficient another may be made in the same manner, or if too large a sum should at any time be raised the excess shall be refunded, relatively, to those by whom it was paid.
- Collection of assessments.
Writs of error.
- New assessments.
- Vacancy in office of commissioners.
- Excess.
- Compensation.
- § 20. Commissioners under this act may be sworn into office by the town clerk; and said commissioners shall be allowed the sum of two dollars per day, each, for actual service, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.
- Assessments filed, etc.
- Manner of collection and disposition of assessments.
- Delinquent taxes.
Petition for improvements.
- Provision for fees or salaries of officers.
- Proviso.
- Officers not to be contractors.
- Taxes—rate of collection of—application of.
- § 21. When said assessment shall have been confirmed, as hereinbefore provided, it shall be filed in the office of the town clerk of the said town of Kansas; and he shall issue his warrant to the collector of said town for the collection of said amount of taxes in the same manner as may be provided for the collection of taxes of said town, and, when collected, shall pay the same into the treasury of said town, and shall have the same right to proceed to collect all delinquent taxes as is now prescribed by law.
- § 22. No assessment shall be ordered by said board of trustees unless a majority of the resident owners of the land along which the proposed improvement is to be made shall first petition, in writing, to the board of trustees that they desire said improvements.
- § 23. The board of trustees may provide, by ordinance, for fees or salary of any officers created by their act, or for additional fees to the police magistrate and constable, as they may deem proper: *Provided*, no trustee shall be allowed any compensation for his services.
- § 24. Nor shall any of the officers created by this act be a party to any contract made by the board of trustees, for the building of public buildings or making, repairing of any street, sewer or other contract of like nature.
- § 25. The board of trustees shall have power to levy a tax, not exceeding one per cent. per annum on all real or personal property in said town, and may enforce collection of the same in any manner to be prescribed by ordinance,

not repugnant to the constitution of the United States or of this state. Said tax, when collected, to be applied to the general expenses of the town.

§ 26. The board of trustees shall have power to erect a calaboose in said town, for the imprisonment of all offenders, which may be provided for by ordinance for the violation of town ordinances or for collection of fines. Calaboose.

§ 27. The inhabitants of the said town of Kansas are hereby exempted from working on roads beyond the limits of said town or from paying any tax for the same; and the board of trustees may require every male citizen over twenty-one years of age and under fifty years of age to labor on the streets and alleys of said town, not exceeding three days in any one year, or, in commutation thereof a sum not exceeding one dollar and fifty cents for each day so assessed. Exempt from road labor.
Street labor—commutation of

§ 28. The style of ordinances of the town shall be, "*Be it Ordained by the Town Council of the Town of Kansas.*" Style of ordinances.

§ 29. The present board of town council shall remain in office until their successors are chosen according to the provisions of this act and all officers created by this act shall hold their offices until their successors shall be chosen and qualified. Term of office.

§ 30. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT the better to provide for the incorporation of the town of Waverly. In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Felix J. Lombard, Jeremiah Graves, Thomas G. Dennis, Erasmus D. Ward and Peter C. Arnett, of the town of Waverly,* Corporators.

in the county of Morgan, and state of Illinois, are hereby recognized and constituted a body politic and corporate, by the name and style of "The President and trustees of the Town of Waverly;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure. Name and style

§ 2. The aforesaid corporators, and their successors, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds or for other public purposes, for the use Corporate powers.

of the inhabitants of said town; to sell, lease, convey or dispose of said property for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto.

Boundaries. § 3. The boundaries of said town shall be one mile square, the centre of the public square in said town being the centre of said mile square; and all the land within said limits shall be considered as the town of Waverly.

Term of office. § 4. The aforesaid corporators shall continue in office until the first Monday in April next, and until their successors are elected and qualified; and on the first Monday in April next, and annually, thereafter, on the same day,

Elections. an election shall be held for five trustees, who shall hold their offices for one year and until their successors are elected and qualified. The board of trustees, whose term of office is about to expire, shall always give notice of such election,

by having written or printed notices thereof posted up in four public places in said town, at least one week previous to said election; and one of the members of said board, together with the clerk of the corporation, shall hold the said election and give certificates of election to the five persons receiving the greatest number of votes; and when-

Certificates of ever there shall be a tie in such election, they shall certify the same to the said board, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Ties. § 5. Every trustee of said town shall, at the time of his election, be at least twenty-one years of age, a citizen of the United States, and shall have resided at least six months within the limits of the corporation. Every *bona fide* resi-

Qualifications of trustees. dent of said town, possessing the requisite qualifications to vote for state officers, shall be entitled to vote for trustees.

Oath of office. § 6. The trustees, before entering upon the duties of their office, shall severally take and subscribe an oath that they will support the constitution of the United States or of this state and that they will well and truly perform the duties of their office to the best of their skill and abilities.

Quorum. § 7. A majority of said trustees shall constitute a quorum to do business. The said trustees shall elect one of

President. their own body to be president of the board, who shall hold

Term of office. his office for one year or until his successor shall be elected and qualified. The president of the board shall be the chief executive officer of the corporation, and shall be vested with such powers and authority as may be conferred upon him by the ordinances of the board aforesaid.

Vacancies. § 8. If any trustee shall, during the time for which he shall have been elected, remove from said town, his office shall be vacated. The board of trustees shall have power to fill all vacancies in their own body, occasioned by the death, resignation or removal from town of any member.

Taxes—rate of. § 9. The board of trustees shall have power and authority to assess and collect taxes, uniform in respect to persons

and property, for corporate purposes, upon all the real and personal estate within said town, not exceeding one-half per cent. per annum upon the assessed value thereof, as ascertained and returned by the assessor of the corporation; and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; and such ordinances may provide for the advertisement, sale and conveyance of any such real estate for taxes unpaid thereon to said corporation, and the time and mode in which the same may be redeemed from such sale, in the manner prescribed by the constitution of this state.

Manner of payment.

Sale of real estate.

Redemption of.

§ 10. The said board shall, also, have power to require every male resident of said town, over the age of twenty-one years, to labor, under the direction of the supervisor, on the streets, lanes, avenues and alleys of said town, and upon the public roads passing from and through said town, for one mile from the centre thereof, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay to the president and trustees the sum of two dollars for each day on which he has neglected or refused to work.

Street labor.

Time of—penalty for refusal.

§ 11. The said board shall, likewise, have power to license, tax and regulate auctioneers, groceries, ordinaries, and all places where spirituous, fermented or malt liquors are sold by less quantities than one quart, and the vendors of same, hawkers, peddlers, brokers, pawnbrokers and money changers; also, to license, tax and regulate theatrical and other public exhibitions, shows and amusements.

Groceries, etc.

Liquors, etc.

Peddlers, etc.

Exhibitions.

§ 12. They shall have power to erect a town hall and town calaboose and other buildings, for the use of said town; to provide pumps, wells and cisterns in the streets and upon the public grounds, for the convenience of the inhabitants, or for use in cases of fire; to open, establish, grade, pave, or otherwise improve and keep in repair and free from incumbrances or obstructions the streets, avenues, lanes and alleys of said town; to make, erect and keep in repair bridges, drains and sewers; to provide for lighting the streets and erecting lamp posts; to erect market-houses, establish markets and provide for the government and regulation of the same; and to provide for weighing of hay and stone coal, and the measuring charcoal, firewood and other fuel, to be sold or used within said town.

Town hall.

Pumps, wells, etc.

Streets and alleys

Obstructions.

Bridges, etc.

Lamps and lights.

Markets.

Fuel, etc.

§ 13. They shall have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the fixing of chimneys and flues thereof, and the manner of using stoves and stove pipes in dwelling houses, stores, offices, warehouses and other buildings in said town; to regulate and order para-

Fires and fire department.

Chimneys, etc.

Public buildings
Walls and fences.

- pet walls and partition fences, and to regulate the storage of gunpowder and other combustible materials.
- Combustibles. § 14. They shall, also, have power to provide for inclosing, improving and regulating all public grounds within the said town, and the burial and other public grounds of the corporation beyond the limits of said town, and for the punishment of injuries or damages done to trees, fences, buildings, monuments or other improvements therein.
- Public grounds.
- Cemeteries.
- Trees, etc.
- Sanitary regulations. § 15. They shall, further, have power to make regulations to prevent the introduction of contagious diseases in said town; to make quarantine laws for that purpose, and enforce the same within five miles of the said town; also, to establish a hospital or hospitals in said town or within five miles of the same, for the treatment of any epidemic or contagious diseases, and make regulations for the government of the same; also, to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance within the limits of the corporation, and to prevent and remove the same.
- Nuisances.
- Speed of animals. § 16. They shall also have power to regulate the speed with which horses or other animals may be rode or driven within the limits of the corporation, and to restrain and punish cruelty in the usage or treatment of animals within those limits; also, to restrain cattle, horses, sheep, swine and dogs from running at large in said town, and to provide for the security of wagons and other carriages which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses or other animals fastened to such carriages running with or breaking from the same.
- Cruelty to Animals at large.
- Security of vehicles.
- Riots, etc. § 17. They shall, likewise, have power to prevent and punish riots, routs, affrays, assaults, assaults and batteries, breaches of the peace, disturbances of worshipping assemblies or of the deliberations or proceedings of public meetings, disorderly interruptions of any public lectures or licensed exhibitions, all indecent or obscene exhibitions or practices and other disorderly conduct within the limits of the corporation: *Provided*, that no person shall be deprived of the right of trial by jury in any case where such person would be entitled to such trial for like offense against the laws of the state.
- Breaches of the peace.
- Obscene practices.
- Proviso.
- Prize fighting. § 18. They shall also have power to prevent and punish battles by agreement, fighting matches, horse-racing and cock fighting within the limits of the corporation and within two miles of the same.
- Gaming, etc. § 19. They shall also have power to restrain, prohibit and suppress billiard tables, ball alleys, tippling houses, dram shops, gaming houses, bawdy and other disorderly houses in said town and within two miles of the limits of the corporation.
- Disorderly houses.

§ 20. They shall also have power to regulate the police of the town; to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant nor inconsistent with the constitution of the United States or of this state; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. The style of the ordinances of said board shall be, "*Be it ordained by the President and Trustees of the Town of Waverly.*"

Police.

Necessary ordinances.

Penalties, etc.

§ 21. They are also hereby vested with power to create all such subordinate officers, and appoint and remove them at pleasure. Said board may provide for the fees and compensation of said officers, and to regulate their duties; also, to regulate the fees of jurors, witnesses and others, payable for services to be rendered under any ordinance of said town.

Subordinate officers.

§ 22. All warrants, summonses, and other process issued against parties charged with violations of the ordinances or by-laws of said town shall be made returnable forthwith or on a day to be fixed, and executions, in such cases, may be issued immediately and levied of the goods and chattels of the offender within the county. And the said board shall have power, also, to provide for the punishment of offenders by imprisonment, either in the town calaboose, in said town, or in the county jail, in said county; and in all cases where such offenders shall fail or refuse to pay the fines or forfeitures which may be recovered against them for offenses against the by-laws or ordinances of said town, the person or persons so ordered to be imprisoned or committed may be compelled to labor on the streets or other improvements of said town, at the rate of one dollar per day, until satisfaction is made of the penalty imposed or judgment recovered and all costs—during which time of labor, the parties so punished shall be furnished with healthy and suitable board and lodging, at the expense of the corporation, but which shall be charged against the party so punished.

Processes made returnable at fixed periods.

Executions.

Punishment of offenders.

§ 23. The town constable shall be authorized to execute, anywhere within the limits of Morgan county, all writs, process and precepts which may be issued against persons or property under or for the violation of the ordinances of incorporation or by virtue of any of the powers specified in this act, and to arrest, on view, all persons who may violate any ordinance of the said corporation.

Duties of constable.

§ 24. The said board shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Annual financial statements.

§ 25. All ordinances passed by the said board shall be published in some newspaper printed in said town, or by

Publication of ordinances.

posting up written or printed copies of the same in three public places in said town, at least ten days before said ordinances shall take effect, except in cases of quarantine laws or ordinances, which shall not require any publication, but shall take effect and be in force as may be provided by said ordinance.

Proof of
ordinances.

§ 26. *And be it further enacted*, that any of said ordinances shall be sufficiently proved in any court by the production of a copy of the same, certified by the clerk of the corporation, or a printed copy of the same taken from the newspaper or pamphlet in which it has been published: *Provided*, the same purports to have been published by authority of the corporation.

Jurisdiction of
justice of the
peace.

§ 27. In all cases arising under this act or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same; and appeals may be taken and writs of *certiorari* allowed from any such decision, in the same manner, to the circuit court of said county, as now is or hereafter may be provided by law for appealing from judgments of justices of the peace in other cases.

Conflicting acts
repealed.

§ 28. All acts or parts of acts coming within the provisions of this act, contrary to or inconsistent with its provisions, are hereby repealed.

Construction of
act

§ 29. This act is hereby declared to be a public act, to be received in evidence and used in all courts without proving or pleading the same, and shall take effect from and after its passage.

APPROVED February 25, 1867.

In force April 27, 1867 AN ACT to incorporate the town of Red Bud, in the county of Randolph, and state of Illinois.

ARTICLE I.

Name and style

Corporate
powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants and residents of the town of Red Bud, in the county of Randolph, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Red Bud;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within and beyond

the limits of said town, for burial grounds and other corporate purposes ; to sell, lease and convey property, real and personal, for the use of said town ; to protect and improve any such property, as the public good may require.

§ 2. The boundaries of said corporation shall include Boundaries. the original town of Red Bud, situated in the center of the southwest quarter of section four (4), township four (4) south, of range eight (8) west of the third (3) principal meridian, Randolph county, Illinois, embracing a territory of one (1) mile square, extending one-half ($\frac{1}{2}$) mile north, south, east, and west, from the center of the above named quarter section.

§ 3. Whenever any tract of land adjoining the town of Red Bud shall be laid off into lots and recorded, according Additional boundaries. to law, the same shall be annexed to and form a part of the town aforesaid.

ARTICLE II.

§ 1. The government of said town shall be vested in Elections. five trustees, to be elected annually, by the qualified voters of said town ; and no person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding an election, and is not a citizen of the United States ; and the said trustees shall, at their first meeting, proceed to elect one of their number a president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation or removal, provided the vacancy shall not exceed three months.

§ 2. The board of trustees shall determine the qualifications of its own members and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance ; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct and, with a concurrence of three-fifths, expel a member. Regulations of trustees.

§ 3. Each of the trustees shall, before entering upon the Duties of office. duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. And there shall be at least one regular meeting of said trustees in each month, at such time and place as may be prescribed by ordinance.

ARTICLE III.

§ 1. There shall be elected in the town of Red Bud, by Police magistrate. the qualified voters thereof, on the first Monday of May, 1867, and on the first Monday of May, annually, forever

thereafter, a police magistrate and a town constable, who shall hold their respective offices for one year and until their successors shall be elected and qualified.

Eligibility to
office.

§ 2. No person shall be eligible to the office of police magistrate or to the office of town constable who shall not have been a resident of the town one year next preceding his election, or who shall not be a citizen of the United States.

Election pre-
cinct.

§ 3. For the election of five trustees, a police magistrate, and a town constable, the town of Red Bud is hereby declared an election precinct.

Power of police
magistrate.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and, as such, shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes; to take depositions and acknowledgments of deeds, mortgages and other instruments of writing and certify the same as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority arising in all cases whatsoever with other justices of the peace under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace, in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted, in all cases, from the police magistrate of the town to the nearest justice of the peace, who is hereby invested in such cases with all the authority of the police magistrate, and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Randolph county be invested with all the powers conferred upon the police magistrate by the provisions of this act.

Powers of town
constable.

§ 5. The town constable shall have the same power and authority, rights, privileges and qualifications, shall have the same jurisdiction and be entitled to the same fees, and be liable to the same penalties, as constables now are or may hereafter be under the laws of this state, and shall be placed under such bonds, conditioned for the faithful performance of the duties of his office, as may be prescribed by ordinance of the corporation hereby created.

Penalties
attached to the
office of police
magistrate.

§ 6. In case the police magistrate shall at any time be guilty of palpable omission of duty or shall willfully or corruptly be guilty of corruption, of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Randolph

county, and, on conviction, shall be fined in any sum not exceeding five hundred dollars, and removal from office.

ARTICLE IV.

§ 1. On the first Monday of May, 1867, an election shall be held in said town of Red Bud for five trustees; and on the first Monday of May of each year forever thereafter an election shall be held for the election of said trustees, who shall hold their offices for one year and until their successors are elected and qualified; and on each annual election, of five trustees, police magistrate and town constable, for said town, the election shall commence at ten o'clock A. M., and close at four o'clock, P. M., of said day. And for said first election John Brickey, George Bockhoff, William Schuck, Gerhard Ortgiesen and John Bruner are hereby constituted corporate trustees for said town.

Rules for general elections.

§ 2. It shall be the duty of the trustees hereby constituted, or any three of them, to give at least ten days' notice of the time and place of holding said first election, by posting up notices in at least three public places in said town, to be judges of said first election; to appoint their own clerks, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election, certify the votes for police magistrate and town constable to the clerk of the county court of Randolph county, and lay the poll books of such election before the board at its first meeting. All subsequent elections shall be held and conducted and return made as may be prescribed by ordinance.

Notice of elect'n

§ 3. A failure to hold said first election on the first Monday in May, in the year 1867, shall not work a forfeiture of this charter; but said first election may be held on any day after the first Monday in May, 1867, by giving ten days' notice, and conducting the same as prescribed in section 2, of article 4, of this charter.

§ 4. If two or more persons shall receive an equal number of votes for police magistrate or town constable, the board shall proceed to determine the same, by lot; and when there shall be a tie in the election of the members of the board of trustees, the judges of election shall certify the same to the police magistrate, who shall determine the same, by lot, in such manner as may be prescribed by ordinance. And all contested elections shall be determined as prescribed by ordinance.

Ties.

§ 5. All persons who are entitled to vote for state and county officers, under the laws of this state, and have resided in said town sixty days next preceding an election, shall be entitled to vote for all officers to be elected under the provisions of this act.

Qualification of voters.

ARTICLE V.

- Collection of taxes. § 1. The board of trustees shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half of one per centum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state. And the board of trustees is hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, as also for the sale of real estate for the taxes due thereon, in such manner as may be prescribed by ordinance: *Provided*, said ordinances are not inconsistent with the constitution of the United States or of this state.
- Sale of property for taxes.
- Appointment of officers. § 2. The board of trustees shall have power to appoint a clerk, treasurer, assessor, supervisor of streets, pound master, town weigher, and all other officers as may be necessary, and prescribe their duties, and to require of all officers appointed in pursuance of this charter bonds, with such penalties and securities for the faithful performance of the duties of their respective offices as may be deemed expedient; also, to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.
- Appropriations. § 3. To appropriate money and provide for the payment of the expenses of the corporation. And all moneys arising from fines, forfeitures and penalties for a breach of any of the ordinances of said town of Red Bud, and all moneys arising from licenses, taxes and assessments, and all moneys borrowed by the board of trustees, shall be paid into the town treasury, and go to the use of the inhabitants of the said town of Red Bud, in their corporate capacity, to be appropriated and expended by the board of trustees for the advancement, improvement and benefit of said town.
- Sanitary measures. § 4. To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious disease into the town, and to make laws for that purpose, and enforce the same within one-half mile of said town.
- Water. § 5. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.
- Repairing streets, etc. § 6. To extend, alter, grade, open or otherwise improve and keep in repair streets and alleys, and remove obstructions therefrom, and to construct and keep in repair bridges.

§ 7. To license, tax and regulate auctioneers, bankers, teamsters, brokers, draymen, peddlers, pawnbrokers and money-changers. Licenses.

§ 8. To license, tax and regulate theatricals and other exhibitions, shows and amusements. Exhibitions.

§ 9. To provide for the inspection and weighing of hay, the measuring of firewood and other fuel, to be used or sold in said town. Weights and measures.

§ 10. To license, tax and regulate the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider or other intoxicating liquors, within the limits of said town, as may be prescribed by ordinance: *Provided*, that said ordinance be not inconsistent with the laws of this state; and no license for any purpose shall be granted to extend beyond the period when the successors to the board granting the same shall be elected and qualified. Regulating the sale of liquors.

§ 11. To provide for the extinguishment and prevention of fires, and to organize and regulate fire companies. Fires.

§ 12. To regulate the fixing of chimneys and the flues thereof. Chimneys.

§ 13. To regulate the storage of tar, pitch, rosin, gun-powder and other combustible materials. Storage.

§ 14. To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance. Animals running at large.

§ 15. To prevent the firing of guns and other combustibles or firearms within the limits of said town; to prevent and restrain loud and unbecoming, profane or indecent language or other disorderly conduct in said town. Discharge of fire-arms.

§ 16. To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses and other animals. Animals at large.

§ 17. To prevent horse-racing or any immoderate riding or driving within the limits of said town of horses or other animals; to compel persons to secure their horses and other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley or public road in said town. Horse racing. Securing horses

§ 18. To establish and maintain a public pound, and appoint a pound-master and prescribe his duties. Pound regulations.

§ 19. To define and declare what shall be deemed nuisances; to punish the authors thereof; to authorize and direct summary abatement of nuisances and the removal of the same one-half mile from the boundaries of said town. Nuisances.

§ 20. To erect market-houses; to establish markets and market places, and provide for the regulation thereof.

§ 21. To provide for inclosing and improving and regulating all public grounds belonging to the town. Markets.

- Borrow money. § 22. To borrow money on the credit of the town: *Provided*, that no sum of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the town revenue arising from taxes assessed on real property within the limits of said corporation, and unless a majority of the legal voters of said town shall vote for the same.
- Removing from § 23. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance.
- Census. § 24. To provide for taking enumeration of the inhabitants of the town.
- Compensation. § 25. To fix the compensation of town officers, except that of police magistrate and town constable; to regulate the fees of jurors, witnesses and others for services rendered under this act or by ordinance: *Provided*, that in no case shall any member of the board of trustees receive any compensation for their services, but shall be exempt from road labor or serving on juries.
- Calaboose. § 26. The board of trustees shall have power to erect in the town of Red Bud a calaboose for the confinement and punishment of persons guilty of violation of the ordinances of the corporation hereby created, and for the purpose of confining persons under arrest for the violation of ordinances of the corporation, when trial is delayed.
- Payment of fines. § 27. The board of trustees shall have power to make and enforce all ordinances necessary to preserve good order, government and harmony in said town, and punish offenders by fine or imprisonment in the town calaboose, or both, or by work on the streets in said town, at the rate of one dollar per day, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered of them: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state.
- Ordinances to be published. § 28. All ordinances passed by the board of trustees shall, within one month after they shall have been passed, be published in some newspaper in said town. In case no newspaper is published in said town, they are to be published in some other way, to be provided for by ordinance, and shall not be in force until they shall have been published, as aforesaid, for the period of ten days.
- Style of ordinances. § 29. The style of the ordinances by the town shall be, "*Be it Ordained by the President and Board of Trustees of the town of Red Bud.*"
- Legality of ordinances. § 30. All ordinances of the town may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published in book or pamphlet form by authority of the corporation, the

same shall be received as evidence in all courts and places without further proof.

ARTICLE VI.

§ 1. The present trustees of the town of Red Bud shall continue in office and exercise all the powers of trustees, as granted by this act, until the first Monday in May, 1867, and until their successors are duly elected and qualified. Term of office.

§ 2. The board of trustees shall keep a journal of its proceedings, which shall always be subject to inspection of citizens of the town. Journal of proceedings.

§ 3. That the election which was held in said town, for the corporation thereof, on the twelfth day of March, A. D. 1866, also the subsequent election for trustees of said town, and also that the several meetings and proceedings of the present trustees, be and the same are hereby declared valid in all respects, any informality or irregularity in the manner of conducting said elections and making returns thereof to the contrary notwithstanding; and the said trustees, so elected, and their successors in office, shall and may exercise all and singular the corporate powers granted to incorporated towns by chapter twenty-five of the Revised Statutes, relative to the incorporation of towns, and also by the several acts amendatory thereto, and all powers granted by any general laws relative to incorporated towns. Previous elections void.

§ 4. The president shall preside at all meetings of the board, and shall have the casting vote and no other. In any case of his non-attendance at any meeting of the board, the board shall appoint one of their number chairman, who shall preside. Duties and powers of president.

§ 5. The president or any two members of the board may call special meetings of the board. Special meetings.

§ 6. He shall have power, when he shall deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have to and do all other acts required of him by any ordinance made in pursuance of this act. Inspection of accounts.

ARTICLE VII.

§ 7. Whenever it shall be necessary to take private property for opening or altering any street or alley, the corporation shall make just compensation to the owner or owners thereof, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. Taking private property.

§ 2. Whenever all the owners of property on any street or alley proposed to be opened or altered shall petition Petitions.

Benefits and
damages.

therefor, the board of trustees shall provide for the opening or altering of the same; but no compensation shall be allowed such owners for their property so taken. All jurors empaneled to inquire into the amount of benefit or damages which shall happen to the owners of property proposed to be taken for the opening or altering any street or alley shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages they, the jury, shall take into consideration the benefits as well as the injury happening to such property or to the owners thereof by such opening or altering.

ARTICLE VIII.

Exempt from
road tax.

§ 1. The inhabitants of the town of Red Bud are hereby exempted from working on any road beyond the limits of the town, and from paying any tax to procure laborers to work on the same.

Powers of
trustees.

§ 2. The board of trustees shall have power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys not exceeding five days in each year; and any person failing to perform such labor, when duly notified by the supervisor of streets of said town, shall forfeit and pay the sum of one dollar to said town for each day so neglected or refused: *Provided*, the person notified to perform labor on said streets and alleys shall be allowed to procure a substitute equally able as himself, or commute by paying to the street supervisor, within three days from the time of notice, the sum of one dollar and fifty cents per day for each day assessed.

Labor on roads.

Report of
trustees.

§ 3. The board of trustees shall cause to be published annually a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Ordinances to
remain in force

§ 4. All ordinances and resolutions passed by the board of trustees of the town of Red Bud shall remain in force until the same shall have been repealed by the board of trustees.

Appeals.

§ 5. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Randolph county; and every appeal shall be taken and granted in the same manner and with like effect as appeals taken from and granted by justices of the peace to the circuit court, in similar cases: *Provided*, that when the town shall appeal a bond, filed by the clerk of the board in the name of the town, shall be deemed sufficient to obtain an appeal.

Proviso.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Red Bud. Prosecutions—
how com'nced.

§ 7. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office shall otherwise be vacated, the board of trustees shall immediately provide for the filling of such vacancy by election. Vacancies.

§ 8. The board of trustees shall have power and authority to open and extend Main and Market streets their full width, through the entire corporate limits of said town of Red Bud. Main and Mar-
ket streets.

APPROVED February 25, 1867.

AN ACT to incorporate the town of Cicero, in the county of Cook, and state of Illinois. In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Cicero, in the county of Cook, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Cicero;" and, by that name, shall have perpetual succession, and have and use a common seal, or not, as they may choose, which they may alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for public grounds or town purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons. Name and style

Powers, etc.

§ 2. The boundaries of said town shall include within their limits all that district of country known and designated as the "Town of Cicero," in the county of Cook, and state of Illinois.

§ 3. The government of said town shall be vested in five trustees, to be elected by the qualified voters of said town. And no person shall be elected a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding an election, and is not a citizen of the United States. The supervisor, assessor and collector of said town of Cicero, and their respective successors in office, are hereby constituted and declared to be, *ex-officio*, three of said board of Government.

Qualified
trustees.

Ex-officio
trustees.

Elections.

trustees. Two of the said five trustees may be appointed by the county judge of the said county of Cook, on the application in writing of the supervisor, assessor and collector of the said town of Cicero, at any time after this act shall have become a law; and their successors in office shall be elected at the next annual election, in the same manner that the other town officers of said town are elected. And the said board of trustees may organize at any time after the said two trustees shall have been duly appointed, as aforesaid, and may then enforce any and all provisions of this act. The town clerk shall act as secretary of said board of trustees.

Duties of trustees.

§ 4. The board of trustees shall determine the qualifications of its own members, and have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with a concurrence of four-fifths of the said board of trustees, expel a member for disorderly conduct. A majority of said board of trustees shall constitute a quorum; but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinances.

Management of.

§ 5. Each of the board of trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. There shall be at least one regular meeting of the said trustees in each month, at such time and place as may be prescribed by ordinance, with power to adjourn from time to time, as deemed necessary. The supervisor shall preside at all meetings; and in case of his absence or inability to act at any meeting of the board, one of their number may be chosen chairman, who shall preside at that meeting. The supervisor or any two members of said board of trustees may call special meetings, when deemed necessary.

Chairman.

Opening streets and alleys.

§ 6. The said board of trustees shall have power, from time to time.

First.—To cause any street, alley or highway to be opened, altered, widened, extended, graded, laid out, paved, macadamized, planked, clayed and graveled, or otherwise improved, and to keep the same in repair.

Sidewalks, etc.

Second.—To cause sidewalks, crosswalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Sanitary measures.

Third.—To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into the town; to prevent depositing any dead bodies, night-soil, corrupt or filthy substance or thing in said town, and to make laws and rules for that purpose, and to enforce the same.

Fourth.—To regulate the running at large of cattle, horses, sheep, swine, goats and other animals, and to prohibit any indecent exhibition of horses or other animals; to establish and maintain a public pound, and appoint a pound master, and prescribe his duties, fees and compensation for his services; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance; to prevent public dog fights, bull fights, prize fights, or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town.

Animals at large.

Fifth.—To license, tax and regulate the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider, or other intoxicating liquors, within the limits of said town. And any person or persons who shall take out a license from said trustees, as prescribed by ordinance, shall not be required to take a license from the county clerk; and the money received for such license shall be paid over to the commissioners of highways and laid out by them on the public roads and streets in said town.

Liquor traffic.

Sixth.—To provide for inclosing, improving and regulating all public grounds belonging to said town or that may hereafter be acquired by said town; to provide for the inspection and weighing of hay, the measuring of fire-wood and other fuel to be used in said town.

Public pounds.

Forage and fuel

Seventh.—To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, where the board of trustees shall deem it necessary, and to regulate the speed of locomotive engines within the town or any particular part of the town; to cause railroad companies to keep open and in repair ditches, drains, sewers or culverts on the sides of their railroad tracks, so that filthy or stagnant pools of water can not stand along their tracks, to the injury of said town and of the health of the inhabitants thereof.

R. R. crossings.

Speed of locomotives.

Drains, etc.

Eighth.—To compel the owner or occupant of any soap factory, tallow chandler shop, tannery, grocery, privy, cellar, stable, barn, sewer or other unwholesome, nauseous house or place, to cleanse, or remove, or abate the same, as often as may be necessary for the health, comfort and convenience of the inhabitants of said town. To direct and regulate the location, construction and management of breweries, tanneries, packing houses, distilleries, and slaughter houses, so that the same shall not be an injury to said town or injurious to the inhabitants thereof; and to license and restrain steaming or rendering of lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on. To regulate, restrain, prohibit and punish, by fine or imprisonment, shooting in said town.

Offensive establishments

Nuisances.

Ninth.—To abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonment; but nothing in this act shall be so construed as to oust any court of jurisdiction, by indictment or otherwise.

Police.

Tenth.—To restrain, prohibit and punish, by fine or imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways, streets or alleys in said town.

Eleventh.—To appoint town constables, to fill any vacancy caused by death or resignation of any constable, and to appoint as many policemen as they shall deem necessary, who shall be qualified, by taking the oath of office in the same manner that constables are, and who shall have the same power and authority to serve processes, writs or make arrests, and do any and all things or acts within the power or authority of constables.

§ 7. Any justice of the peace of said town, or any court of record of Cook county, shall have jurisdiction of any offenses under the orders, ordinances or resolutions of said board of trustees.

Suits at law.

§ 8. All actions brought to recover penalty or forfeiture incurred under this act or the ordinances or resolutions, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt, for such penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed and to give the special matter in evidence under it.

Processes.

§ 9. In all prosecutions for the violation of any ordinance, by-laws, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Any fine imposed for violation of any order, ordinance or regulation, shall be paid to said board, and shall by them be used to defray such expenses as may be incurred in the exercise of their powers.

Disposition of fines.

Assessments.

§ 10. The expenses of any improvement mentioned in the foregoing sections shall be assessed upon the real estate in said town of Cicero, benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto. The board of trustees shall have the control and disbursement of all the money belonging to said town; and the vote taken at the last election to dispose of the surplus war fund of said town for other town purposes is hereby legalized.

Determining amount of.

§ 11. The amount to be assessed for any such improvement or purpose shall be determined by the said board of trustees; and they shall, by ballot, appoint, by a majority of said board, two respectable freeholders of said town of Cicero, who, with the assessor of said town, who shall always be one of the three commissioners, shall make such assessment. The commissioners and assessor thus appoin-

ted shall be sworn faithfully and impartially to make such assessment and do their duty to the best of their ability.

§ 12. Before entering upon their duties the commissioners shall give six days' notice, by putting up notices in three of the most public places in said town of Cicero, of the time and place of meeting to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the said board of trustees to be assessed upon the real estate by them deemed benefited, resulting thereto, as nearly as may be, and briefly describe in the assessment roll to be made by them the real estate in respect to which any assessment is made.

Duties of
commissioners

§ 13. When the commissioners shall have completed their assessment, and made a correct copy thereof, they shall deliver the same to the town clerk of said town of Cicero, within sixty days after their appointment, signed by all the commissioners. The town clerk shall, thereupon, cause notices to be posted up in three of the most public places of said town of Cicero, for the space of six days, to all persons interested, of the completion of the assessment and the filing of the roll. Time and place shall be designated therein for hearing objections.

Delivery of as-
sessment—
notice of.

§ 14. Any person or persons interested may appeal to the said board of trustees for the correction of the assessment. Appeals shall be in writing, and filed in the town clerk's office within sixty days after the notice shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeal, or otherwise, in their discretion, to revise and correct the assessment, by appointing three other commissioners, or by themselves, or any other way they may think best; which shall be final and conclusive on all parties interested, if confirmed. When confirmed, the assessment shall be collected as hereinafter provided, and no appeal or writ of error shall lie in any case from such order or determination. If any assessment be set aside, by order of any court, the board of trustees may cause a new one to be made, in like manner, for the same purpose, for the collecting of the amount so assessed. If any vacancy happens in the office of commissioner, at any time, by reason of removal, failure or refusal or inability, from sickness or other cause, to serve, the board of trustees may fill such vacancy. If the first assessment prove insufficient, another may be made in the same manner, or if too large a sum shall at any time be raised the excess shall be refunded, ratably, to those by whom it was paid.

Appeals.

Vacancy of
commissioners

§ 15. Commissioners appointed under this act may be sworn into office by the town clerk. And said commissioners shall be allowed three dollars per day for actual services,

Compensation.

which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.

Duties of clerk
of county court

§ 16. When said assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of said clerk of the county court of said county of Cook, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate in said town of Cicero, to set down, in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessment and enforce the payment thereof in the same manner and with all the rights, powers and authority that he has to collect state and county taxes, and shall pay the same over to the officer entitled to receive the town tax at the same time he is required to pay over the county revenue; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate for the non-payment of said assessment and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount of county, state and other taxes and assessments, aforesaid. The sale shall be conducted upon the same notice and judgment in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same persons, and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force, or hereafter to be enacted, providing for the collection of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessments as is allowed for the collection of the state and county revenue, to be paid out of the funds of the said town of Cicero; and he shall be liable, on his bond, for his faithful performance of the duties required under this act.

Rights of
redemption.

Deeds.

Compensation
of collector.

Construction of
act.

§ 17. This act shall be deemed and taken to be a public act, and construed in the most liberal and beneficial manner to carry out its provisions, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Proviso, in the county of Cook, and In force Feb'y
state of Illinois. 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Proviso, in the county of Cook, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Proviso;" and, by that name shall have perpetual succession; and may have and use a common seal, or not, as they may choose, which they may alter at pleasure; have power to sue and be sued, plead and be impleaded, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within the limits of said town, for public grounds or other purposes, for the use of the inhabitants of said town; and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

Name and style
Powers.

§ 2. The boundaries of said town of Proviso shall include within their limits all that district of country known and designated as the west half of township thirty-nine, range thirteen east of the third principal meridian, and the town of Proviso, in Cook county, Illinois.

Boundaries.

§ 3. The government of said town shall be vested in five trustees, to be elected by the qualified voters of said town; and no person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding an election, and is not a citizen of the United States of America. The supervisor, assessor and collector of said town of Proviso, and their respective successors in office, are hereby constituted and declared to be, *ex officio*, three of said board of trustees. Two of said five trustees shall be elected at and biennially after the first annual election under this charter in said town of Proviso, and in the same manner that the other town officers of said town are elected.

Trustees—qualifications.

Board of—how elected.

§ 4. The board of trustees shall determine the qualifications of its own members, and have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with a concurrence of four-fifths of the said board of trustees, expel a member for disorderly conduct. A majority of said board of trustees shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Rules, etc.

Quorum.

§ 5. Each of the board of trustees shall, before entering upon the duties of his office, take an oath to perform the

Oath of office.

- duties of his office to the best of his knowledge and ability, to support the constitution of the United States and of this state. There shall be at least one regular meeting of said trustees every three months, at such time and place as may be prescribed by ordinance, with power to adjourn, from time to time, as may be deemed necessary. The supervisor shall preside at all meetings, and, in case of his absence or inability to act at any meeting of the board, one of their members may be chosen chairman, who shall preside at that meeting. The supervisor, or any two members of said trustees, may call a special meeting when deemed necessary.
- § 6. The said board of trustees shall have power, from time to time—
- First.*—To cause any street, alley, or highway to be opened, altered, widened, extended, graded, paved, macadamized, plowed, clayed and graveled, or otherwise improved, and to keep the same in repair.
- Second.*—To cause sidewalks, crosswalks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.
- Third.*—To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into said town; prevent the depositing any dead bodies, night-soil, corrupt or filthy substance or thing in said town, and to make laws or rules for that purpose and to enforce the same.
- Fourth.*—To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance; to prevent public dog fights, bull fights, prize fights, or any public or private fighting, and to restrain loud and unbecoming, profane or indecent language or disorderly conduct in said town.
- Fifth.*—To license and regulate the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale, beer, porter, cider, or other intoxicating liquors within the limits of said town. And any person who shall take out a license from said board of trustees, as prescribed by ordinance, shall not be required to take a license from the county clerk; and the money received for such license shall be paid over to the commissioners of highways and laid out on the public roads and streets of said town.
- Sixth.*—To provide for inclosing, improving and regulating all public grounds belonging to said town or that may hereafter be acquired by said town. To provide for the inspection and weighing of hay, the measuring of wood and other fuel, to be used in said town.
- Seventh.*—To require rail road companies to construct and keep in repair suitable crossings at the intersections of streets, roads and alleys, when the board of trustees shall deem it necessary, and to regulate the speed of locomotive
- Meetings.
- Spec'l meetings
- Street improve-
ments.
- Duties of
trustees.
- Sanitary
regulations.
- Dead animals.
- Animals at large
- Fights, etc.
- Liquor traffic.
- Public grounds
- Fuel, etc.
- R.R. repairs.

engines within the town, or any particular part of the town. To cause railroad companies to keep open and in repair ditches, drains, sewers or culverts, on the sides of their railroad tracks, so that filthy or stagnant pools of water can not stand along their tracks, to the injury of said town or the health of the inhabitants thereof.

Eighth.—To compel the owner or occupant of any soap factory, tallow chandler shop, tannery, grocery, privy, cellar, barn, stable, sewer or other unwholesome, nauseous house or place; to cleanse, remove or abate the same, as often as may be necessary for the health and comfort of the inhabitants of said town. To direct the location of and regulate, license and restrain within said town distilleries, slaughtering houses, houses for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all places where any nauseous, offensive or unwholesome business may be carried on. To restrain and punish, by fine or imprisonment, shooting in said town.

Offensive establishments.

Ninth.—To abate and remove nuisances and punish the authors thereof, by penalties, fine and imprisonment; but nothing in this act shall be so construed as to oust any court of jurisdiction by indictment or otherwise.

Tenth.—To restrain, prohibit and punish, by fine and imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways, streets or alleys of said town.

Eleventh.—To appoint town constables, and to appoint as many policemen as they shall deem necessary, who shall be qualified by taking the oath of office in the same manner that constables are, and who shall have the same power and authority to serve process, writs, or make arrests, and do any and all things or acts within the power or authority of constables.

§ 7. Any justice of the peace of said town or any court of record of Cook county shall have jurisdiction of any offenses under the orders, ordinances or resolutions of said board of trustees.

§ 8. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, or resolutions, by-laws or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for so much penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matters in evidence under it.

Suits at law.

§ 9. In all prosecutions for the violations of any ordinance, by-law, police or other regulations, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Any fine imposed for violation of any order, ordinance or regulation, shall be paid to said

Processes.

board, and shall by them be used to defray such expenses as may be incurred in the exercise of their powers.

Assessments.

§ 10. The expenses of any such improvement or regulations mentioned in the foregoing sections shall be assessed upon the real estate in said town of Proviso benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto.

Determination
of assessments

§ 11. The amount to be assessed for any such improvement or purposes shall be determined by the said board of trustees, and they shall, by ballot appoint by a majority of said board two respectable freeholders of said town of Proviso, who, with the assessor of said town (who shall always be one of the three commissioners,) shall make such assessment. The commissioners and assessors thus appointed shall be sworn faithfully and impartially to make such assessment and to do their duty to the best of their ability.

Notice of
assessments.

§ 12. Before entering upon their duties, the commissioners shall give six days' notice, by posting up notices in three of the most public places in said town of Proviso, of the time and place of meeting, to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the said board of trustees to be assessed upon the real estate by them deemed benefited, resulting thereto, as nearly as may be, and briefly described in the assessment roll to be made by them the real estate in respect to which any assessment is made.

Delivery of.

§ 13. When the commissioners shall have completed their assessment and made a correct copy thereof they shall deliver the same to the town clerk of the said town of Proviso, within sixty days after their appointment, signed by all the commissioners. The town clerk shall thereupon cause notices to be posted up in three of the most public places of said town of Proviso, for the space of six days, to all persons interested, of the completion of the assessment and the filing of the roll. Time and place shall be designated therein for hearing objections.

Completion of.

Appeals.

§ 14. Any person or persons interested may appeal to said board of trustees for the correction of the assessment. Appeals shall be in writing, and filed in the town clerk's office within six days after notice shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment, by appointing three other commissioners, or by themselves, or any other way they may think best, which shall be final and conclusive on all parties interested, if confirmed. When confirmed, the assessment shall be collected as hereinafter provided; and no appeal or writ of error shall lie, in any

case, for any such order or determination. If any assessment be set aside by order of any court, the board of trustees may cause a new one to be made, in like manner, for the same purpose, for the collecting of the amount so assessed. If any vacancy happens in the office of commissioners, at any time, by reason of removal, failure or refusal, or inability, from sickness or other cause, to serve, the board of trustees may fill such vacancy. If the first assessment prove insufficient another may be made, in the same manner, or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

§ 15. Commissioners appointed under this act may be sworn into office by the town clerk; and said commissioners shall be allowed two dollars per day, each, for actual service; which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.

§ 16. When said assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of said clerk of the county court of said county of Cook, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate in said town of Proviso, to set down, in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amount of said assessments, respectively; and it shall thereupon be the duty of the collector of the taxes for the state and county to collect the said assessment and enforce the payment thereof in the same manner and with the rights, power and authority that he has to collect state and county taxes, and shall pay the same over to the officer entitled to receive the town tax at the same time he is required to pay over the county revenue; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate, for the non-payment of said assessment and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes and assessments aforesaid. The sale shall be conducted upon the same notice and judgment in the same manner as is or may be provided by law for state and county taxes. The right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same persons, and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force, or hereafter to be enacted, providing for the collec-

Vacancies.

Compensat'n of
commissionersDuties of town
clerk.Duties of
collector.Judgments—
costs.

Manner of sale.

Rights of re-
demption.

tion of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessments as is allowed for the collection of state and county revenue—to be paid out of the funds of the said town of Proviso; and he shall be liable on his bond for his faithful performance of the duties required under this act.

Petitions for assessments.

§ 17. No assessment shall be ordered by said board of trustees unless a majority of the resident owners of the land along which the proposed improvement is to be made shall first petition, in writing, to the board of trustees, that they desire said improvement.

Construction of act.

§ 18. This act shall not be so construed as to prevent the formation of town or city corporations in said town of Proviso, under and in pursuance of chapter twenty-five of the Revised Statutes of eighteen hundred and forty-five, and the acts amendatory thereto. The judge of the county court of Cook county shall, upon the application, in writing, signed by twelve resident freeholders of said town of Proviso, appoint two of the said trustees, who shall hold their offices until the next annual election, and until their successors are duly elected and qualified.

Appointment of trustees.

§ 19. This act shall be deemed a public act, and be in force from and after its passage.

Vote on adoption of act.

§ 20. The adoption of this act shall be submitted to a vote of the legal voters of said town of Proviso, at the next annual town meeting, to be held in said town of Proviso.

Manner of voting.

The ballots on that subject shall indorsed "For town charter" or "Against town charter." The adoption of this act shall also be submitted to a vote of the residents of the west half of said town of Cicero, who are legal voters of said town of Cicero, at the next annual town meeting in said town of Cicero. The ballots on that subject shall be indorsed "For town charter" or "Against town charter;" and if the joint majority of the legal votes so cast at said town meeting on said subject be indorsed "For the charter" then

Indorsed ballots.

Returns.

this act shall become a law, but not otherwise. Full returns of the result of said votes on said subject, at said town meetings, respectively, shall be made by the proper officers of said towns of Cicero and Proviso, respectively, to the county clerk of said Cook county, in the same manner as other election returns are made; and the certificate of said county clerk shall be evidence of the result.

Certificates.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Harvard.

In force when
adopted by legal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Harvard, in the county of McHenry, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the town of Harvard;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which may be changed and altered at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds and other purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

Corporate powers.

§ 3. That all those tracts of land embraced within the following boundaries, to-wit: To include the south-east quarter and the west half of the south-west quarter, and the south-east quarter of the north-west quarter, and the south half of the north-east quarter, all in section No. thirty-five, (35,) in township number forty-six (46) north, of range number five, (5,) east of the third (3d) principal meridian, being three-quarters ($\frac{3}{4}$) of a mile east and west, and three-quarters ($\frac{3}{4}$) of a mile north and south, be and the same is hereby declared to be within the limits or boundaries of said town of Harvard.

Boundaries.

§ 4. On the Monday before the first Tuesday in April of each year the inhabitants of said town shall elect four (4) trustees, and one president of the board of trustees, one clerk of said board, and one treasurer, and one justice of the peace, and one constable, who shall hold their offices for one year and until their successors are elected and qualified, except the justice of the peace and constable, who shall, after the next quadrennial election for justice of the peace, hold their office for four years, which said justice of the peace and constable shall qualify in the same manner, and have the same jurisdiction, and be subject to the same liabilities as other justices of the peace and constables.

Trustees—term
of office.

§ 5. The president of the board of trustees of said town shall be, *ex officio*, a member of the board of supervisors of McHenry county, and shall have the same powers as any

President of the
board.

other supervisor of said county or member of said board, and receive the same compensation for the same services.

Judges of elections.

§ 6. George M. Hull, Col. L. Blandon and Dr. A. C. Bingham, or any two of them, shall be judges of the first election under this act; after which, the president of the board of trustees, the treasurer and clerk of the board, shall be judges of election. Said election to be conducted in accordance with the election laws of this state. Ten days' public notice of the time and place of holding any election of trustees shall be given, by the judges of election, by advertisement in any weekly newspaper published in said town, or by posting notices in three of the most public places in said town.

Qualifications for office of president.

§ 7. No person shall be elected as president of the board of trustees of said town, who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the corporate limits of said town; and at all such elections every person who shall be qualified to vote for state and county officers, and shall have a residence within the limits of said corporation for six months previous to such election, not being there for the purpose of education or any other temporary objects, may enjoy the rights of an elector.

Expulsions.

§ 8. The trustees shall be judges of election, qualifications and returns of the president and of their own members, and of clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalty as they may provide, and punish the members for disorderly conduct, and by a vote of three-fourths of the whole number elected, expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancy in the board of trustees, president, clerk, or treasurer, occasioned by death, resignation, removal or continued absence from the town for three months: *Provided*, they shall not appoint one of their number to such office; and the president shall in no case be entitled to a vote except in cases of a tie.

Powers of president and trustees.

§ 9. The president and trustees of said town shall have power—

First.—To cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and to this end may require every able-bodied male resident of said town, over the age of twenty-one and under the age of sixty years, to labor on the same not exceeding three days in each and every year; and if such labor be insufficient for such purpose, to appropriate so much of the general funds of the corporation as they shall deem necessary therefor.

Second.—To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys, or public roads within the limits of said town.

Third.—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts; and until such president and trustees shall provide by ordinance for the levying and collecting said tax, they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution that such tax shall be levied, and the number of the lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court; it shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10th, 1849, for the collection of other corporate taxes.

Fourth.—To levy and collect taxes upon all property, Taxable prop'ty real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide by ordinance for enforcing the payment thereof, the said property shall be assessed and the tax collected in the manner provided by the ninth section of the act aforesaid. And the clerk of the board shall certify to the county clerk, previous to the annual meeting of the board of supervisors, the rate of taxes levied by said board.

Fifth.—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses or other animals.

Sixth.—To prevent and regulate the running at large of Animals at large dogs, and authorize the destruction of the same when at large contrary to any ordinance.

Seventh.—To prevent horse racing or any immoderate riding or driving within the limits of said town of horses or other animals, to prohibit the abuse of animals, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town.

Eighth.—To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

Gaming, etc.

Ninth.—To restrain and prohibit all description of gambling and fraudulent device, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments: *Provided*, they may have power to license billiard tables, ball alleys or other places of exercise and amusement.

Disturbances.

Tenth.—To suppress and prohibit disorderly houses or groceries, and houses of ill fame.

Eleventh.—To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, exhibitions and amusements, and auctions.

Twelfth.—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or shooting within the limits of said town.

Thirteenth.—To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding two miles from the limits thereof.

Fourteenth.—To abate and remove nuisances and punish the authors thereof, and define and declare what shall be deemed nuisances in said town, or any distance, not exceeding two miles from the limits thereof; and authorize and direct the summary abatement of the same.

Fifteenth.—To regulate the storage of gun powder and other combustible materials.

Sixteenth.—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Seventeenth.—To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.

Public improvements.

Eighteenth.—To provide for inclosing, improving and regulating all public grounds belonging to said town.

Nineteenth.—To provide for erecting all needful buildings for the use of said town.

Twentieth.—To make all necessary regulations to secure the general health of the inhabitants thereof.

To regulate sale of intoxicating liquors.

Twenty-first.—To license, regulate, suppress and prohibit the selling, bartering, exchanging and traffic of any wine, rum, gin, brandy, whisky, ale or strong beer, or other intoxicating liquor within the limits of said town, and to prevent giving away the same by any trader, dealer, shop or tavern keeper, to be used as a beverage.

Twenty-second.—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.

Execution of laws.

Twenty-third.—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the re-

covery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense.

§ 10. That the president and trustees of said town shall have power to appoint street commissioners, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful performance of their duties. Appointment of officers.

§ 11. The president and trustees shall require their clerk and it shall be his duty to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time and place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies of the same in three of the most public places of said town. The book purporting to be the record of the corporation of the town of Harvard, or a certified transcript therefrom, shall be received in all courts without further proof, of all such matters therein contained. Duty of clerk.

§ 12. Any fine, penalty or forfeiture incurred under this act, or any by-law or ordinance made in pursuance of this act, or of any act that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the corporate name; and the several fines, forfeitures or penalties, for breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person: but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. It shall be lawful to declare for debt generally for such fines, penalties or forfeitures, stating the clause of this act, or the ordinance or by-law under which the same are claimed, and to give the special matter in evidence under the declaration; and the justice shall proceed to hear and determine the cause as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit, which may be levied upon any of the personal property of the defendant or defendants not exempt from execution. If the constable shall return upon such execution "no property found," or not sufficient to satisfy the same, then the justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the Recovery of fines, etc.

Assaults.

county, to remain ninety-six hours, and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every one dollar over and above said five dollars, and so in proportion to the amount of the judgment and costs: *Provided, however*, if said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same in writing, to him, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, and all the proceedings, according to law, to such clerk, which shall be filed and recorded as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges, to all parties, as in other cases.

§ 13. The president and trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file before the commencement of any suit any security for costs.

§ 14. All fines and penalties received or collected for the breach of any ordinance passed under the provisions of this act, and all moneys received for licenses shall be paid into the treasury of said corporation by the officer or person receiving the same.

Exemption
from taxation.

§ 15. The inhabitants of said town are hereby exempted from working on any road beyond the limits of the corporation, and from paying any tax upon property within its limits to procure laborers to work upon any such road.

§ 16. *It is further enacted*, That this act shall not take effect and be in force until after the same shall have been first submitted to a vote of the legal voters residing within the limits of said corporation, as described in section three (3) of this act, and decided in favor of the acceptance of this act of incorporation by a majority of the voters voting at such election voting in favor thereof. Said election to be held on the first Tuesday in April, 1867, and the aforesaid George M. Hull, Col. L. Blandon and Dr. A. C. Bingham shall be judges of said election, who shall be governed, in all respects, according to the election laws of this state, in conducting and canvassing the votes of said election. They shall also give ten days' public notice of the time and place of such election, by publishing a notice in a weekly newspaper printed in said town, or by posting up notices in three of the most public places of said town.

§ 17. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Greenfield, in Greene county.

In force Feb'y
26, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Greenfield, in the county of Greene, and state of Illinois, be and are hereby constituted a body politic and corporate, by the name and style of "The Town of Greenfield," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name.

§ 2. The boundaries of the corporation of said town, shall be established one mile square, taking the centre of and crossing of Main street and Mulberry streets, in said town, as the center, with power in the town council to extend said boundaries by ordinance, not exceeding three-fourths of a mile each way from said center: *Provided, always,* that the boundary lines of said town shall run with the cardinal points of the compass. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, hold and receive property, real and personal, within the limits of said town; to purchase, receive and hold property beyond the limits of said town for burial or other purposes for the use of the inhabitants of said town; to improve and protect such property, and lease, sell and convey the same, and do all other acts and things in relation thereto as natural persons. Powers.

ARTICLE II.

THE TOWN COUNCIL.

§ 1. The municipal government of said town shall be vested in a town council, consisting of a president and five councilmen, who shall be elected annually by the legal voters in said town, and continue in office until their successors are elected and qualified. Council.

§ 2. No person shall be a member of the town council unless he shall have been a resident of said town one year next preceding his election, and shall at the time of his election be a freeholder in said town, and entitled to vote for state officers. Qualifications.

§ 3. If the president, or any member of the town council, shall remove from said town, his office shall be vacated, and shall be filled by election. Vacancies.

§ 4. The town council shall be judges of the qualifications, elections and returns of its own members, and determine all contested elections for town officers. Judges of election, etc.

Quorum.

§ 5. A majority of the town council shall constitute a quorum to do business, but a minority may adjourn from time to time.

Rules of proceedings.

§ 6. The town council shall determine the rules of its proceedings, but no member thereof shall be appointed to any office in said town, except treasurer and clerk.

Journal of proceedings.

§ 7. The town council shall cause to be kept a journal of its proceedings, and said journal shall be received in all courts of law, without further proof, as evidence in all matters therein contained.

Oath of office.

§ 8. The president and every member of the town council before entering upon the discharge of the duties of his office, shall take an oath, (or affirmation) that he will support the constitution and laws of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability; which oath may be administered by the president or any justice of the peace or other persons empowered by law to administer oaths.

Meetings.

§ 9. There shall be four stated meetings of the town council in each year, at such time and place as they may determine by ordinance.

ARTICLE III.

ELECTIONS.

Elections—time and place of.

§ 1. On the first Monday in April, A. D. 1867, and on the first Monday in April in each year thereafter, an election shall be held in said town for the purpose of choosing a president and five councilmen hereby established: *Provided*, that if an election should not be held on such day in any year, the town council may order an election to be held at any other time as soon thereafter as may be, by giving due notice thereof as may be prescribed by ordinance.

Qualified voters

§ 2. Every person entitled to vote for state officers, and who shall have been an actual resident in said town for thirty days next preceding such election, shall be entitled to vote thereat.

§ 3. The members of the town council shall be, *ex-officio*, judges and clerks of elections held under this act. At all elections held under this act, when a police magistrate or constable are to be elected, there shall be three judges and two clerks; one of the poll books shall be returned to the president of the council, and one to the county clerk, who shall proceed in all cases, as when justices of the peace and constables are elected by general laws of this state.

How conducted

§ 4. When there is no election for police magistrate or constable, it shall be lawful for the election to be conducted by two judges and one clerk, and return the poll book to the president of the town council, who shall call a meeting of the council, who shall cause the names of the persons

entitled to the several offices, to be entered on the record of the town council: *Provided*, that the judges may close the election at four o'clock P. M.: *And, provided further*, that no register of voters shall be required to hold an election under this act.

§ 5. Whenever there shall be a tie in the election for any town officer, the judges of election shall, before adjourning, decide the same by lot, and certify the same on the poll books returned by them, and the successful person shall be entitled to the office. Ties.

ARTICLE IV.

POWERS OF THE TOWN COUNCIL.

§ 1. The town council shall have power to levy and collect taxes on all property, real and personal, within the limits of said town, not exceeding three-fourths of one per cent. per annum on the assessed value thereof, and they may enforce the same by ordinance, not repugnant to the constitution or laws of the United States or of this state. They may adopt the valuation made by the county or township assessor, and certify the same to the county clerk of Greene county, on or before the first Monday in September, and it shall be the duty of the said county clerk to place the same on the collector's books against the persons and real estate, and have the same collected as state and county taxes. Taxes.

§ 2. They shall have power to borrow money on the credit of said town: *Provided*, that the interest shall not exceed ten per cent. per annum, and shall not exceed one-fourth of the revenue for the year in which the sum or sums are borrowed. Indebtedness.

§ 3. They shall have power to appropriate money and provide for the payment of debts and expenses of the town; to appoint a clerk, treasurer, street commissioner and such other officers as they may deem necessary to carry the provisions of this act into effect and to prescribe their duties; to require all officers so appointed to take an oath for the faithful performance of such duties. Appropriations.
Appointment of officers.

§ 4. To fix the compensation of town officers, regulate the fees of jurors, witnesses and others for services rendered under this act, and to remove from office any person appointed by them. Compensation.

§ 5. To make regulations to prevent the introduction of contagious diseases into the town, and to make regulations to secure the general health of the inhabitants, to declare what shall be deemed a nuisance, and to prevent, abate and remove the same, and to punish the author or authors thereof. Sanitary measures.

§ 6. They shall have power to open, widen, extend, establish, grade or otherwise improve any streets, alleys, Street and alley improvements

parks, squares or other public grounds in said town; to keep in repair and build bridges, culverts, sidewalks and street crossings, and to pay for the same out of any funds raised by general taxation.

Public grounds. § 7. They shall have power to provide for protecting, inclosing, adorning or otherwise improving any square, parks or other public ground in said town.

Public buildings § 8. They shall have power to provide for the erection of all public buildings for the use of said town, and to levy special taxes therefor, when authorized to do so by a majority of the legal voters at any election held for that purpose, and to collect the same as other taxes are collected.

Streets, alleys, etc. § 9. They shall have power to cause the streets, alleys, squares and public roads to be kept in good order and repair, and to this end they may require every able-bodied male inhabitant over the age of twenty-one years, and under fifty, not

Street labor. otherwise exempted by law, to work on such streets, alleys, road or public grounds, not exceeding three days in each year, or pay commutation in lieu thereof at the rate of one dollar for each day they may be required to labor; and the inhabitants of said town are hereby exempted from working on any road beyond the limits of said town or from paying any tax to procure labor to be done thereon.

Surveys, etc. § 10. They shall have power to provide for the surveying, platting, numbering and recording the plat of any out-lots or lands within the limits of said corporation not laid out into town lots in said town and the additions thereto, and to cause the out lots and lands to be designated by such numbers in the assessment lists, and to sell the same for non-payment of taxes by such designation.

Fire and fire companies. § 11. They shall have power to provide for the prevention of fires, to organize fire companies, to provide wells and cisterns on public ground for the use of the inhabitants; to regulate the storage of gunpowder and other combustible materials.

Forage and fuel § 12. They shall have power to provide for the inspection and weighing of hay and coal, and the measurement of corn (in the ear) and wood for the use of the inhabitants of the town.

Animals at large. § 13. They shall have power to restrain and prohibit the running at large of hogs, sheep, cattle, horses and other animals, and provide for impounding the same, when running at large, contrary to any ordinance; to prohibit the indecent exhibition of horses, or other animals, and punish the offender by fines; to prevent the running at large of dogs, and provide for the destruction of the same, when running at large contrary to any ordinance; to prevent the racing, or immoderate driving of horses or other animals, and compel persons to fasten horses or other animals when attached to vehicles, while standing in the streets, alleys or other public grounds, or vacant lot; to prevent and prohibit

the indecent exposure of person, or other lewd or shameful practice, and punish the person found guilty thereof. Indecent exposures.

§ 14. They shall have power to prevent, suppress and prohibit any riot or affray, tumult or disturbance of the peace, by loud or unusual cries, noises or other disorderly conduct, disorderly assemblages, assault, assault and batteries, the firing of guns, rockets, squibs or other combustible material within the limits of said town; they may prevent and punish wanton injury to private or public property, petty pilfering, destruction or injury to shade or ornamental trees and shrubbery. Disturbances.
Combustibles.
Defacing property.

§ 15. They shall have power to license and regulate or prohibit shows, theatrical exhibitions or any exhibition where an admission fee is demanded; to license, tax or prohibit lotteries, gift-enterprises, auctioneers, hawkers, peddlers, tippling-houses, dram-shops, gambling-houses and other disorderly establishments. Exhibitions.

§ 16. They shall have power to license and regulate or suppress the selling, bartering, exchanging or giving away, trafficking in, or in any manner disposing of any wines, gin, rum, brandies, beer or any other vinous, spirituous, malt or mixed liquors, or any intoxicating drinks within the limits of said corporate bounds: *Provided*, that no license shall extend beyond the time the council granting such license shall be elected for. Liquor traffic.

§ 17. They shall have power to provide for taking the enumeration of the inhabitants of said town, to survey and fix the boundary of said town, to pass all ordinances necessary to carry into full effect the provisions of this act, and for the regulation of the municipal government of said town, to execute the same and impose fines, forfeitures and penalties for the violation of any ordinance made in pursuance of this act, and to provide for the enforcement of such ordinance and the recovery of such fines, forfeitures and penalties, in any manner not repugnant to the constitution or laws of the United States or of this state: *Provided*, that in no case shall the fine or forfeiture exceed the sum of fifty dollars for any single offense; and such fine or forfeiture may be recovered before the police magistrate herein provided for, or any justice of the peace in the said county of Greene, in the corporate name of said town; and the police magistrate, or justice of the peace may, unless the amount of such judgment be paid forthwith, or satisfactory security given, issue execution against the goods and chattles of any offender immediately upon rendition of judgment, or he may direct that such offender be held in custody, and compelled to work out the amount of such fine and costs on the public streets. Census.
Fines and penalties.
Proviso.
Executions.

§ 18. The style of the ordinances of said town shall be, *Be it Ordained by the Town Council of the Town of Greenfield.* Style of ordinances.

Records.

§ 19. The ordinances passed by the town council shall be recorded in a book to be kept for that purpose, which book, purporting to be the record of the ordinances of said town, shall be received in evidence in all courts and places, without further proof, authentication or evidence.

Publication of ordinances.

§ 20. Printed or written copies of all ordinances shall be posted up in at least three of the most public places in said town, within thirty days after their passage, and all ordinances shall take effect at the expiration of ten days after such posting.

Appropriations.

§ 21. The town council may appropriate money to have this act and the ordinances passed in conformity thereto printed in pamphlet form, and such printed ordinances, with the seal attached, shall be taken in evidence, without further proof of their authentication.

ARTICLE V.

THE PRESIDENT AND HIS POWERS.

Arrests.

§ 1. The president shall be the chief executive officer of the corporation, and as such, shall be a conservator of the peace, and have power to arrest, without warrant, and bring to trial any persons guilty of violation of any ordinance or provisions of this act, and he may appoint, from time to time, as may appear to him necessary, watchmen, by day or night; and such watchmen so appointed are hereby authorized to arrest, without warrant, and confine any person found engaged in any violation of law or any ordinance of said town, precisely as the town constable is authorized by this act, and the president is hereby authorized to call upon any male inhabitant of said town over the age of twenty-one years, to aid in the enforcement of the ordinances of said town, and to preserve the peace; and any person who shall fail or refuse to obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

Aid in enforcing laws.

Penalties.

Enforcing the ordinances.

Prosecution for violation of.

Presiding officer.

Special meetings.

§ 2. He shall be vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished, and shall have power to require of any officer of said town an exhibit of his books and papers. He shall preside at all meetings of the town council, preserve order, and have the casting vote, in case of a tie, but none other; in case of his non-attendance at any meeting, the council shall appoint one of their members to preside, who shall, for the time being, be vested with all the powers of president and councilman.

§ 3. The president or any two members of the council may call a special meeting of the council whenever they may deem it necessary. The president's signature to any

paper or document, as president, with that of the clerk, attested by the seal of the town or their own private seals, shall constitute the signature of said corporation.

ARTICLE VI.

POLICE MAGISTRATE.

§ 1. There shall be elected on the first Monday in April A. D. 1867, in the same manner as president and councilmen, and every two years thereafter, a police magistrate, who shall be commissioned by the governor, and who shall give bond, and take the oath of office the same as other justices of the peace. His term of office shall be two years, and until his successor is elected and qualified. He shall have exclusive original jurisdiction to hear and determine all cases arising under the ordinances of said town and wherein the corporation is a party, and concurrent jurisdiction with justices of the peace in said county, and shall proceed in like manner with justices of the peace, and appeals and writs of *certiorari* may be prosecuted in any cause tried by him the same as any other justice of the peace, and he shall receive the same fees, and be vested with the same powers, as other justices of the peace in this state.

Police magis-
trate.

Election for

Bonds.

Term of office.

Jurisdiction.

Appeals.

ARTICLE VII.

TOWN CONSTABLES.

§ 1. There shall be elected at the same time and in the same manner as police magistrate, a town constable, who shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Greene, and he shall have the same power, jurisdiction and authority within the limits of said county as other constables, in all cases possess under the laws of this state, and he shall give bond and qualify as other constables.

Constable—
powers of.Extension of
authority.

Jurisdiction.

Bonds.

§ 2. The said constable shall have power, and it shall be his duty to arrest all persons on view, without warrant, who shall violate any of the provisions of this act, or any of the ordinances of said town, made in pursuance thereof, and take him, her or them, before the police magistrate of said town, to be tried and punished as may be prescribed by ordinance; in the absence or disability of said town constable, any constable of said county of Greene, shall have power and authority to act in all respects as the constable of said town.

Arrests.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

- Disposition of fines, etc.** § 1. All fines imposed and collected for violation of any ordinance of said town, and all license fees and other moneys collected by virtue of this act, shall be paid into the treasury of said town, by the officers or persons receiving the same and shall constitute a part of the general fund thereof.
- Appeals.** § 2. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Greene county, and every such appeal shall be granted in the same manner as appeals are taken from, and granted by justices of the peace to the circuit court in similar cases under the laws of this state.
- Rights of trial.** § 3. The right of trial by jury shall be allowed to any person charged with a violation of any of the provisions of this act, or any breach of any of the ordinances of said town.
- Witnesses.** § 4. Any member of the council or other officer of said town, shall be a competent witness in any suit or action, or prosecution wherein the town of Greenfield may be a party.
- Suits at law.** § 5. All suits, actions and prosecutions, brought by or against the corporation hereby created, shall be instituted and prosecuted in the name of the town of Greenfield.
- Force of ordinances.** § 6. All ordinances passed by the president and trustees, now and heretofore existing, of the town of Greenfield, shall remain in force until the same shall be repealed by the town council hereby created, and all actions, fines, penalties and claims, which have accrued to the president and trustees of the town of Greenfield, shall be vested in and prosecuted by the corporation hereby created, and all liabilities incurred and obligations entered into, by, or with said president and trustees, shall be performed and executed by the corporation hereby created.
- Elections—time of.** § 7. The president and trustees now acting in the town of Greenfield, shall cause an election to be held on the first Monday in April A. D. 1867, for a president and five members of the town council, and also, for a police magistrate and town constable, as herein required, giving due notice of said election as now required by ordinance.
- Prior special acts repealed.** § 8. All acts or parts of acts of special legislation for the territory or any part thereof, within the corporate bounds of the town of Greenfield, are hereby repealed.
- Evidence of act** § 9. This act is hereby declared a public act, and may be read in evidence, in all courts of law or equity within this state without other proof.
- § 10. This act shall take effect and be in force on the first day of April, in the year of our lord, one thousand eight hundred and sixty-seven.

APPROVED February 26, 1867.

AN ACT to divide the towns of Galesburg and West Galesburg.

In force when
adopted by le-
gal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that por ion of the towns of Galesburg and West Galesburg not embraced with the limits of the city of Galesburg, shall constitute the town of Galesburg.

Boundaries.

§ 2. The officers of the town of Galesburg shall be the officers of the new town of Galesburg until their successors are elected and qualified, and the officers of the town of Galesburg shall be successors to the officers of West Galesburg.

Officers, etc.

§ 3. The first annual town meeting in said town shall be held on the first Tuesday in the month of April next, at the school house on section nine of said town.

Meetings.

§ 4. The supervisor and assessor of the town of Galesburg and the mayor and assessor of the city of Galesburg, shall constitute a board, whose duty it shall be to divide the property, claims and liabilities of the towns of Galesburg and West Galesburg, existing upon the taking effect of this act between the city of Galesburg and the new town of Galesburg, and the basis of apportionment shall be the town assessments of the year 1866, and the rates shall be the relative value of all the property contained within the city and within the towns outside of the city.

Division of
claims, prop-
erty, etc.

§ 5. From and after the time this act shall take effect, the territory embraced within the limits of the city of Galesburg shall not be within the jurisdiction of any town.

Jurisdiction.

§ 6. At the annual election in the city of Galesburg, there shall be elected an overseer of the poor. Such overseer of the poor shall have like powers and duties as overseers of the poor in towns. Such accounts of the overseer of the poor as are required to be audited by town auditors shall be, in like manner, audited by the common council.

Overseer of the
poor.

§ 7. The state and county taxes shall be assessed and collected within the city of Galesburg by the city assessor and city collector, in like manner as assessments and collections are made in towns, and for a like compensation. The city collector shall give like bonds, in the collection of state and county tax, as town collectors. The bond for collection of county tax may be approved by either of the city supervisors.

Taxes.

§ 8. Each ward in the city of Galesburg shall be an election precinct for all general and special elections. The judges and clerks of election shall be appointed by the city council. Election notices shall be posted in each ward by the supervisor or supervisors representing such ward.

Election pre-
cincts.

§ 9. At each annual city election there shall be elected in the city of Galesburg one or more supervisors. The number shall not exceed the number of wards in such city,

Supervisors.

and shall not be greater than one for every four hundred legal voters residing in said city. The city council may, from time to time, divide the city into districts for the election of supervisors each district to elect one or more, as the council may provide; but in forming districts no ward shall be divided.

Vacancies.

§ 10. No justice of the peace, constable or notary public shall be ousted of his office in consequence of the passage of this act; but in case of the death, resignation or removal of any justice of the peace, (police magis rates excepted,) constable or notary public in the said city or town, such vacancy shall not be filled unless such vacancy shall diminish the number of like officers to which such town or city shall thereafter be entitled.

Constables.

§ 11. At each election of police magistrates and city justices of the peace in the city of Galesburg there shall be elected the like number of constables.

Fill vacancies.

§ 12. The city council shall have power to appoint to fill vacancies in the offices of supervisors and overseer of the poor.

Time of taking effect.

§ 13. This act shall take effect, so far as relates to elections in the city of Galesburg, on the first Monday of April next, and for other purposes upon the first Tuesday of April next: *Provided*, that this act shall be submitted to the legal voters of the city of Galesburg for their ratification or rejection at the city election to be held on the first Monday of April next. The mayor of the city of Galesburg, shall, not less than two weeks prior to said city election, cause this act to be published in at least one weekly newspaper in said city. On the ballots used at said city election there shall be written or printed the words: "For division of towns," or, "Against division of towns." And if a majority of the votes cast at said election shall be for division of towns then this act shall be in full force and effect; but if a majority of the votes cast at said election shall be against division of towns then this act shall be null and void. Said votes at said election shall be canvassed and the result declared as in other questions acted upon at said election.

Proviso.

Publication of election notice

Manner of voting.

APPROVED February 27, 1867.

In force Feb'y
27, 1867.

AN ACT to incorporate the town of Elmwood, in Peoria county.

ARTICLE I.

SECTION 1. *Beit enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Elmwood, in the county of Peoria,*

and state of Illinois, be and they are hereby constituted a body corporate, by the name and style of "The Town of Elmwood," and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure. Name and style.

2. The boundaries of the corporation hereby created shall be as follows, to-wit; beginning at the south-east corner of section number seven, (7,) in township number nine (9) north, of range five (5) east of the fourth (4) principal meridian, running thence west one-half of one mile, thence north one-fourth of one mile, thence west one-fourth of one mile, thence north one half of one mile, thence east one-fourth of one mile, thence north one-fourth of one mile, thence east one mile, thence south one-fourth of one mile, thence east one-fourth of one mile, thence south one-half of one mile, thence west three-fourths of one mile, thence south one-fourth of one mile, to the place of beginning. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the limits of said town; to purchase, receive and hold real property beyond the limits of said town, for burial grounds or other purposes, for the use of said inhabitants; to improve and protect such property, and lease, sell, convey and dispose of the same, and do all other acts and things in relation thereto as natural persons. Powers.

ARTICLE II.

§ 1. The municipal government of said town shall be vested in a town council, consisting of five trustees, who shall be elected annually by the legal voters of said town, and continue in office until their successors are elected and qualified. Council.

§ 2. No person shall be a member of the town council unless he shall have been a resident of said town one year immediately preceding his election, and shall be at the time of his election twenty-one years of age, and a citizen of the United States, and a freeholder. Qualifications.

§ 3. If any member of the town council shall remove from the town his office shall thereby be vacant.

§ 4. All vacancies that may occur in the town council shall be filled by election. Vacancies.

§ 5. The town council shall be judges of the qualifications, elections and returns of its own members, and shall determine all contested elections in relation thereto. Judges of qualifications.

§ 6. A majority of the town council shall constitute a quorum for the transaction of business, but a smaller num-

- Absentees. ber may adjourn, from time to time, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.
- Rule of proceedings. § 7. The town council shall determine the rules of its proceedings, but no member thereof shall be appointed to any office under its authority, except temporary clerk.
- Journal of proceedings. § 8. The town council shall cause to be kept a journal of its proceedings; and such journal, purporting to be a record of the proceedings of the town council, shall be received in all courts and places, without further proof, as evidence of all matters contained therein.
- Oath of office. § 9. Every member of the town council, before entering upon the discharge of the duties of his office, shall take an oath or affirmation that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office, to the best of his ability.
- Ties. § 10. Whenever there shall be a tie vote in the election for members of the town council the judges of the election shall certify the same to the police magistrate, who shall determine the same, by lot, in the presence of said judges, who shall enter the result thereof on their returns of election.
- Meetings. § 11. There shall be a stated meeting of the town council in each month, and such other meetings as may be called to be held at such times and places as may be prescribed by ordinance.

ARTICLE III.

- Election of officers. § 1. On the first Monday in May, A. D. 1867, and on the first Monday in May, in each year thereafter, an election shall be held in said town for the purpose of choosing five trustees to be members of the town council hereby established, which said trustees, when elected and qualified, shall select one of their number to be president of said council: *Provided, however,* that if for any reason an election shall not be held on such day in any year, the town council may order an election to be held at any other time, as soon thereafter as may be, giving due notice thereof, as may be prescribed by ordinance.
- Qualified voters § 2. Every person entitled to vote for state officers, and who shall have an actual residence in said town for thirty days next preceding such election, shall be entitled to vote thereat.

ARTICLE IV.

- Taxes. § 1. The town council shall have power to levy and collect taxes on all property, real and personal, within the limits of said town, not exceeding one-half of one per cent. per annum upon the assessed valuation thereof for general

purposes ; and they may enforce the payment of said taxes in any manner, to be prescribed by ordinance, not repugnant to the constitution and laws of the United States or of this state.

§ 2. To borrow money upon the credit of said town : Indebtedness.
Provided, that the interest payable upon the aggregate of Proviso.
 all sums borrowed and outstanding shall never exceed, in any year, one-half the town revenue from real estate for that year.

§ 3. To appropriate money and provide for the payment of all debts and expenses of the town. Appropriations

§ 4. To appoint a clerk, treasurer, assessor, collector, police constable, street commissioner, and such other officers as they may deem expedient for carrying this act into full effect, and to prescribe their duties ; to require all officers, so appointed, to take an oath for the faithful performance of such duties, and to give bonds with such securities and penalties as may be prescribed by ordinance. Appointment of officers.

§ 5. To fix the compensation of town officers, regulate the fees of jurors, witnesses and others, for services rendered under this act, and to remove from office any person appointed by them. Compensation of officers.

§ 6. To make regulations to prevent the introduction of contagious diseases into the town. Sanitary measures.

§ 7. To make regulations to secure the general health of the inhabitants ; to declare what shall be deemed a nuisance, and to prevent, abate and remove the same, and to punish the author thereof. Nuisances.

§ 8. To open, extend, grade, pave or otherwise improve any streets, lanes, avenues, alleys, roads, squares, commons, parks or other public grounds or places in said town, and to have exclusive control of the same. Street improvements.

§ 9. To build and keep in repair bridges, culverts and street crossings. Bridges.

§ 10. To provide for protecting, inclosing, adorning or otherwise improving any squares, parks or other public grounds in said town or any other grounds or places belonging to said corporation. Public grounds

§ 11. To provide for the erection of all needful buildings for the use of said town, and to levy special taxes therefor, when authorized to do so by the legal voters of the town at any election, and to collect the same as other taxes are collected. Needful buildings.
Special tax.

§ 12. To cause all the streets, alleys, lanes, avenues and public grounds in the town to be kept in good repair, and to this end they may require every able-bodied male inhabitant thereof, over the age of twenty-one years and under fifty, to labor on such streets, alleys, lanes, avenues or public grounds, not exceeding three days in every year, or pay commutation in lieu thereof at the rate of one dollar for each day they may be so required to labor ; and the in-

habitants of said town are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure labor to be done thereon.

Plats and surveys.

§ 13. To provide for surveying, platting, numbering and recording the plat of any or all out-lots or lands within the limits of said corporation and now laid out into town lots in said town, and the additions thereto, and to cause such out-lots and lands to be designated by such numbers in the assessment lists and to sell the same for non-payment of taxes by such designation.

Water privilege

§ 14. To provide the town with water, and to dig wells and cisterns for the use of the inhabitants.

Fires and fire department.

§ 15. To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies.

Fuel, etc.

§ 16. To provide for the inspection and weighing of hay and coal, and the measurement of wood sold for fuel in said town.

Storage of combustibles.

§ 17. To regulate the storage of gunpowder, tar, pitch, turpentine, rosin and other combustible materials.

Animals at large

§ 18. To restrain, regulate and prohibit the running at large of horses, cattle, sheep, swine, and other animals, and to authorize the distraining, impounding and sale of the same when found running at large contrary to any ordinance, and to prevent any indecent exhibitions of horses or other animals.

Public pounds.

§ 19. To establish and maintain a public pound, appoint a pound master and prescribe his duties.

Dogs.

§ 20. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when running at large contrary to any ordinance.

Horse racing, riding and driving.

§ 21. To prevent horse racing, or any immoderate riding or driving within the limits of said town of horses or other animals, to prevent the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, square, vacant lot or other open place in the town.

Indecencies.

§ 22. To prohibit and prevent any indecent exposure of the person or other lewd or shameful practice, and punish persons guilty thereof.

Fights, etc.

§ 23. To prevent, suppress and prohibit any riot, affray, tumult or disturbance of the peace, by loud or unusual cries, noises or other disorderly conduct, disorderly assemblages, assaults, batteries, firing of squibs, rockets, guns or other combustibles or fire arms within the limits of said town.

Injury to private property.

§ 24. To prohibit, prevent and punish any wanton injury to private property, disorderly intrusion upon any private premises, petty pilfering, destruction or injury of shade trees or any disorderly proceedings, endangering or trespassing upon the rights of private persons or property.

§ 25. To license, tax and regulate theatrical and other Exhibitions, exhibitions, shows and amusements.

§ 26. To license tax and regulate auctioneers, hawkers, Auctioneers, ordinaries and gift enterprises. peddlers, etc.

§ 27. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly establishments. Disorderly houses.

§ 28. To restrain, prohibit and suppress all descriptions of gambling, swindling and fraudulent abuses, and to punish all persons in any manner engaged therein. Gaming, etc.

§ 29. To license and regulate or suppress and prohibit the selling, bartering, exchanging, giving away, trafficking in, or in any manner disposing of any wines, gin, rum, brandy, whisky, beer, or any other vinous, spirituous, malt, mixed or intoxicating beverages within the limits of said town. Liquor traffic.

§ 30. To provide for taking enumerations of the inhabitants of said town. Census.

§ 31. To pass all ordinances which they may deem necessary and proper for carrying into full effect the provisions of this act, and for the regulation of the municipal government of said town, and to execute the same, and to impose fines, forfeitures and penalties for the violation of any ordinance or any of the provisions of this act, and to provide for the enforcement of such ordinances and the recovery of such fines, forfeitures and penalties in any manner not repugnant to the laws of this state: *Provided*, that Necessary ordinances. in no case shall any such fine or forfeiture exceed the sum of one hundred dollars for any one offense; and any such fine or forfeiture may be recovered before the police magistrate herein provided for or any justice of the peace in said county of Peoria, in the corporate name; and such police magistrate or justice of the peace may, unless the amount of the judgment be paid forthwith or satisfactory security given, issue execution against the goods and chattels of any offender immediately upon rendition of judgment, or he may direct that such offender be held in custody and compelled to work out the amount of such fine and costs upon the public streets. Fines, etc. Proviso.

§ 32. To provide for the punishment of offenders against any ordinance or provision of this act, by imprisonment, not to exceed three months for any one offense, in the county jail or town prison or other secure place, to be provided by them for that purpose. Punishments

§ 33. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of Elmwood.*" Style of ordinances.

§ 34. All ordinances passed by the town council shall be recorded in a book to be kept for that purpose, which book, purporting to be a record of the ordinances of said town, shall be received in evidence in all courts and places without further authentication or proof. Records.

Publication of
ordinances.

§ 35. Printed or written copies of all ordinances passed by the town council shall be posted up in at least three of the most public places in said town within thirty days after their passage; and all ordinances shall take effect at the expiration of ten days after such posting.

Proof of
ordinances.

§ 36. All ordinances of the town may be proven by the seal of the corporation, and, when printed and published in book or pamphlet form and purporting to be printed or published by authority of the town council, shall be received in evidence in all courts and places without further authentication or proof; and any ordinance of said town, printed and published in any newspaper in Peoria county, and purporting to be printed or published by authority of the town council, shall, in like manner, be received in evidence in all courts or places without further authentication or proof.

ARTICLE V.

Arrests.

§ 1. The president shall be the chief executive officer of the corporation, and, as such, shall be a conservator of the peace and have power to arrest without warrant and bring to trial any person guilty of a violation of any ordinance or provision of this act, and he may appoint, from time to time, as the same may appear to him necessary, such watchmen, by day or night, as may be requisite to preserve the peace in any emergency or apprehended disturbance; and such watchmen, so appointed, are hereby authorized to arrest without warrant and confine any person found engaged in the violation of any ordinance of said town precisely as the police constable of said town is by this act authorized to do. And the said president is hereby authorized to call upon any white male resident of said town, over the age of twenty-one years, to aid in the enforcement of the ordinances of said town and preserve the peace; and any person who shall fail or refuse to obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

Watchmen.

Aid of inhabi-
tants.

Penalties, etc.

Duties of presi-
dent.

§ 2. He shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished, and shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibition of his books and papers.

Presiding offi-
cer.

§ 3. He shall preside at all meetings of the town council, preserve order, and have a casting vote in case of a tie but no other. In case of his non-attendance at any meeting the council shall appoint one of their number to preside at such meeting.

Spec'l meetings

§ 4. The president, or any two members, may call a special meeting of the town council.

§ 5. His signature to any paper or document as president of the town of Elmwood, with that of the clerk, attested by the seal of the town or their own private seals, shall constitute the signature of said corporation. Corporate signature.

§ 6. He shall perform such other additional acts and duties as may be required of him by ordinance. Additional duties.

ARTICLE VI.

§ 1. At the election to be held in said town on the first Monday in May next, and at such election in every fourth year thereafter, a police magistrate of the town of Elmwood shall be elected, who shall continue in office until his successor is elected and qualified. Police magistrate.

§ 2. No person shall be eligible to the office of police magistrate who shall not have been a resident of said town for one year next preceding his election, or who shall not be over the age of twenty-one years and a citizen of the United States. Eligibility.

§ 3. Said police magistrate shall be commissioned and qualified in the same manner that justices of the peace are, and shall have the same jurisdiction, powers and emoluments as other justices of the peace in Peoria county. He shall be a conservator of the peace for said town, and shall have jurisdiction in all cases arising under the ordinances of the town in preference to other justices of the peace, and shall be entitled to the same fees for his services as are now allowed to justices of the peace in similar cases under the laws of this state and to be collected in the same manner. How commissioned and qualified.
Jurisdiction.

§ 4. It is hereby made the duty of the police constable of said town, and of all constables of Peoria county, to execute any process or order made or issued by said police magistrate, in the county of Peoria, in the same manner as processes are executed from other justices of the peace. Processes.

ARTICLE VII.

§ 1. The town council shall cause to be published, at the close of each year, a complete statement of the receipts and expenditures of the town during the year. Annual financial statements.

§ 2. The members of the town council, or any two of them, shall be judges of the annual elections held in pursuance of this act, and such special elections as may be ordered by them, and shall conduct the same in such manner as may be prescribed by ordinance. Judges of elections.

§ 3. All fines imposed and collected for violations of any of the ordinances of said town, and all license fees and other moneys collected by virtue of this act or any ordinance passed in pursuance of this act, shall be paid into the treasury of said town by the officer receiving the same, and shall constitute a part of the general fund thereof. Disposition of fines.

Appeals.

§ 4. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Peoria county, and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

Trial by jury.

§ 5. The right of trial by jury shall be allowed to any person charged with a violation of any of the provisions of this act, or a breach of any ordinance of said town.

Constable.

§ 6. The police constable to be appointed by the town council, as hereinbefore provided, shall have the same power and authority in all cases arising under the laws of this state, as other constables of Peoria county, and shall have the same right, throughout the county of Peoria, to serve any process issued by any court, as other constables, and he shall have authority to arrest, without warrant, any person found engaged in a violation of any ordinance of said town or any person liable to escape before warrant can be procured, and confine such person in the town prison or other secure place, or hold him in custody, till he may be brought to trial; and any person who shall forcibly resist said police constable in the discharge of his duty shall, upon conviction thereof, forfeit and pay a fine not exceeding one hundred dollars, nor less than ten dollars.

Competent witnesses.

§ 7. Any member of the town council or other officer of said town shall be a competent witness in any suit, action or prosecution wherein the town of Elmwood may be a party.

Suits at law.

§ 8. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Elmwood.

Ordinances to remain in force.

§ 9. All ordinances and resolutions passed by the president and trustees of the town of Elmwood shall remain in force until the same shall be repealed by the town council hereby created.

Prosecutions, etc.

§ 10. All actions, fines, penalties, forfeitures and claims which have accrued to the president and trustees of the town of Elmwood shall be vested in and prosecuted by the corporation hereby created, and all liabilities incurred and obligations entered into by or with the said president and trustees shall be performed and executed to or by the corporation hereby created.

Vested prop'rty

§ 11. All property, real and personal, heretofore belonging to the president and trustees of the town of Elmwood shall be and the same is hereby declared to be vested in the corporation created by this act.

Invalidation of acts.

§ 12. This charter shall not invalidate any act done, or ordinance passed by the president and trustees of the town

of Elmwood, nor divest them of any right which may have accrued to them prior to the passage of this act.

§ 13. Hugh Armson, Lucien H. Kerr, William M. Johnson, Robert Lloyd and Samuel L. Gill, composing the present board of trustees of said town shall constitute the town council herein provided for, (whereof the said Lucien H. Kerr shall be the president,) and shall continue in office until their successors shall be elected and qualified; and the officers of said town now in office shall, respectively, continue in the same until superseded in conformity to the provisions of this act, but shall be governed by the requirements hereof. Town officers.

§ 14. The town council hereby established shall immediately after the passage of this act, take measures to promulgate this law within the limits of the town of Elmwood, and cause an election to be held on the first Monday in May next for five members of the town council, and also for police magistrate, as herein required, giving due notice of said election, as now required by the ordinances of the town of Elmwood. Promulgation of laws.

§ 15. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity in this state, without proof. Evidence of act.

§ 16. This act shall take effect and be in force from and after its passage.

APPROVED February 27, 1867.

AN ACT to incorporate the town of Flora.

In force Feb'y
27, 1867.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Flora, in Clay county, be and are hereby constituted a body politic, by the name and style of "The Town of Flora;" and by that name, shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity; may purchase, receive and hold property, both real and personal, and may sell, lease, convey and dispose of the same; and do all other things in relation thereto as natural persons; and may have and use a common seal, and alter the same at pleasure. Name and style
Corporate powers.

§ 2. The said town shall include within its limits all of that district of country inclosed within the following boundaries, viz: Beginning at the north-east corner of section twenty-five, thence south along the township line to the half section line of section thirty-six, thence west along said half section line to the center of section thirty-five, Boundaries.

thence north along the half section line of sections thirty-five and twenty-six to intersection of the south line of section twenty-three, thence east along said line to the place of beginning—all of town three north, range seven east.

Additions.

§ 3. Whenever any tract of land adjoining the town of Flora shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and become a part of the town of Flora; and all parcels of land within the boundaries of the town that are in extent of five acres or more shall be exempt from taxation for town purposes.

ARTICLE II.

TOWN COUNCIL.

Council.

§ 1. There shall be a town council, to consist of a mayor and a board of aldermen.

Members.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen for two years and until their successors are legally qualified.

Qualification of officers.

§ 3. No person shall be elected to the office of mayor or alderman unless he shall have previously resided within the town one year immediately preceding his election, be a free-holder in said town, and have the necessary qualifications to vote for state officers; and whenever the mayor or any alderman shall remove from the town, or cease to be a freeholder in said town, his office shall be declared vacated.

Classification of

§ 4. At the first meeting of the town council the aldermen shall be divided, by lot, into two classes. The seats of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one alderman for each ward shall be elected annually.

Judges of qualifications of.

§ 5. The town council shall judge of the qualifications of its own members and determine all contested elections under this act.

Quorum.

§ 6. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Absentees.

Rules of proceedings.

§ 7. The town council shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elect, expel a member.

Journal.

§ 8. The town council shall keep a journal of its proceedings; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Not hold other offices.

§ 9. No alderman shall be appointed to any office under the authority of the town the emoluments of which shall have been increased during the term for which he shall

have been elected; nor shall he be engaged in any contract with said incorporation while serving as such alderman.

§ 10. All vacancies in the town council shall be filled by election. Vacancies.

§ 11. The mayor and each alderman before entering upon the duties of their offices shall take and subscribe an oath or make affirmation that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office according to the best of their skill and ability. Oath of office.

§ 12. There shall be at least twelve stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance. Meetings of.

§ 13. The mayor and each alderman shall be entitled to such compensation as may be prescribed by ordinance: *Provided*, such ordinances be first adopted by the legal voters of the town. Compensation.

ARTICLE III.

ELECTIONS.

§ 1. On the second Monday of March next, between the hours of one and four P. M., an election shall be held in said town for one mayor, one marshal, one town treasurer, and one police magistrate for the town, and two aldermen for each ward; and forever thereafter, on the second Monday of March in each year, there shall be an election for one mayor, one marshal, and one treasurer for the town, and one alderman for each ward. Election of officers.

§ 2. The trustees of the present incorporate town of Flora shall, by ordinance, provide for submitting the adoption of this charter to the vote of the citizens of Flora; shall canvass the votes, and declare the result; and, if the vote shall be for the adoption of this charter, shall immediately divide the town into three wards—the wards to be as nearly equal in population as practicable. The said trustees shall, by ordinance, provide for the first election to be held for the election of all officers under this act; shall canvass the votes and declare who are elected, and make return to the county court and to the secretary of state of the election of mayor and police magistrate, in the manner that returns are made of the election of justices of the peace. Vote on adoption of charter.

§ 3. All male inhabitants who are entitled to vote at state elections, and who have been actual residents of the town six months preceding the election, and who have paid such town taxes as they may be subject to, shall be entitled to vote at all elections: *Provided*, that each alderman shall be elected by the voters of the ward which he is chosen to represent. Qualified voters

CHAPTER IV.

LEGISLATIVE POWERS OF THE COUNCIL.

- Taxes.** § 1. The town council shall have power and authority to levy and collect taxes for town purposes, upon all property, real and personal, within the town, not exceeding one-half of one per cent. per annum upon the assessed value thereof: *Provided*, that whenever an ordinance specifying a higher rate of taxation, and the purpose for which said tax is to be raised, shall have been adopted by the legal voters of the town, at a special election ordered for that purpose, such higher tax may be raised and appropriated according to the provisions of said ordinance; and the collection of any such tax may be enforced in any manner, prescribed by ordinance, not repugnant to the constitution of the United States or of this state.
- Special taxes.** § 2. The town council shall have power, by ordinance, to levy and collect a special tax for the purpose of paving or grading the side-walks of said streets or alleys.
- City officers.** § 3. The town council shall have power to appoint a clerk, city attorney, assessor, street commissioner and such other inferior officers as may be necessary, and to establish and regulate the fees of the same.
- Bonds of.** § 4. The town council shall have power to require of all officers appointed in pursuance of this charter bonds, with security, for the faithful performance of their respective duties, and also to require all officers appointed, as aforesaid, to take and subscribe an oath or make affirmation, as the council may prescribe, for the faithful performance of their respective duties.
- Oath of office.**
- Borrow money.** § 5. To borrow money at an interest not exceeding ten per cent., whenever authorized so to do by two-thirds of the voters voting at a special election called for that purpose.
- Debts and expenses.** § 6. To appropriate money and provide for the payment of the debts and expenses of the town.
- Sanitary regulations.** § 7. To make regulations to prevent the introduction of contagious diseases, and to secure the general health of the inhabitants of the town.
- Nuisances.** § 8. To declare what shall be a nuisance, and to prevent and remove the same.
- Water privileges.** § 9. To provide the town with water; to erect hydrants and pumps, build cisterns and dig wells in the streets.
- Street improvements.** § 10. To open, alter, abolish, widen, extend, establish, grade, pave and otherwise improve and keep in repair streets, avenues, lanes, alleys, side-walks, drains and sewers.
- Bridges, etc.** § 11. To establish and keep in repair bridges.
- § 12. To divide the town into wards and alter the boundaries thereof.

§ 13. To provide for lighting the streets.

Lamps and
lights.
Markets.

§ 14. To erect markets and market houses and provide for the government and regulation of the markets.

§ 15. To provide all needful buildings for the use of the town.

Public build'gs

§ 16. To inclose, regulate, improve and ornament the public grounds of the town.

Public grounds.

§ 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.

Peddlers, etc.

§ 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and wagonage, cartage and drayage of property.

Vehicles.

§ 19. To license theatrical and other exhibitions.

Exhibitions.

§ 20. To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses.

Disorderly
houses.

§ 21. To license, regulate and prohibit the selling, exchanging or giving away of any spirituous, malt or vinous liquors: *Provided, always,* that *bona fide* druggists be allowed to sell the same in good faith for purely mechanical, chemical and sacramental purposes.

Liquor traffic.

Proviso.

§ 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies.

Fires, etc.

§ 23. To regulate the fixing of chimneys and the flues thereof.

Chimneys, etc.

§ 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible material.

Storage of com-
bustibles.

§ 25. To restrain cattle, sheep and hogs from running at large.

Animals.

§ 26. To provide for the inspection and weighing of hay and stone coal and fire-wood and other fuel used or sold within the town.

Fuel, etc.

§ 27. To provide for taking the enumeration of the inhabitants of the town.

Census.

§ 28. To regulate the election of town officers, and to provide for the removal of any person holding an office created by ordinance.

Elections.

§ 29. To regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of such fines and forfeitures and the enforcement of such penalties. And all moneys collected under or by authority of any ordinance shall be deemed and taken to belong to the town.

Police.

Fines, etc.

§ 30. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that no ordinance be repugnant to the constitution of the United States or of this state.

Necessary ordi-
nances.

- Style of ordinances.** § 31. The style of all ordinances shall be, "*Be it ordained by the Council of the Town of Flora.*"
- Privileges conferred.** § 32. All of the privileges and franchises belonging to towns incorporated under the general incorporation laws are hereby conferred upon the town of Flora.
- Publication of ordinances.** § 33. All ordinances shall, before they become in force, be published in some newspaper published in the town or posted up in three of the most public places in said town.
- Proof of ordinances.** § 34. All ordinances may be proven by the seal of the corporation, and, when published in book or pamphlet form, and purporting to be published by the authority of the corporation, the same shall be received in evidence in all courts, without further question or proof. The publication of all ordinances may be proven by the certificate of the town clerk, under the corporation seal of the town.
- Vacancies.** § 35. The town council shall have power to order elections to fill vacancies, or for any special purpose.

ARTICLE V.

MAYOR.

- Presiding officer.** § 1. The mayor shall preside at all meetings of the town council, and, in case of a tie, shall have a casting vote, but in no other. In case of the non-attendance of the mayor at any meeting of the board of aldermen, one of their own number shall be elected chairman, but shall not thereby lose his right to vote upon any question before the board.
- Special meetings.** § 2. The mayor or any two aldermen may call a special meeting of the town board.
- Mayor to be member of the board.** § 3. The mayor shall be, *ex officio*, a member of the board of supervisors of Clay county, and shall receive the same compensation as the other members of the board.
- Duties of.** § 4. It shall be the duty of the mayor to inspect the conduct of all subordinate officers, and to see that the laws and ordinances of the town are enforced, and he is hereby authorized to call upon every male inhabitant of the town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and to prevent and extinguish fires; to call on the militia to aid him in suppressing riots and securing the peace and safety of the town; and any person who shall not obey such call shall forfeit to said town a fine not exceeding five dollars.
- Penalties for neglect of duty.** § 5. The mayor, for any palpable omission of duty, for misconduct or partiality in the discharge of the duties of his office, shall be liable to be indicted in the circuit court of Clay county, and, on conviction, fined in any sum not exceeding two hundred dollars, and removed from office.

ARTICLE VI.

PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening, extending or altering any public street, lane, avenue or alley, the corporation shall make just compensation to the person whose property is taken; and if the amount of said compensation can not be agreed upon the mayor shall cause the same to be ascertained by a jury of disinterested freeholders, who shall be sworn to inquire into the amount of benefits and damages which shall occur to the owner of said property, and they shall return to the mayor their inquest, in writing, signed by each juror.

Private property taken for public purposes.

§ 2. In ascertaining the amount of compensation to be made for the property taken, as above specified, the jury shall take into account the benefit as well as the injury occurring thereby.

Compensation.

§ 3. The mayor shall have power, for good and sufficient cause shown, within ten days after any inquest shall have been returned, as aforesaid, to set the same aside and cause a new inquest to be made.

Inquests.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

§ 1. The town council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able-bodied male inhabitant in the town, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each year, and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay one dollar for each day so refused or neglected.

Street labor.

§ 2. The inhabitants of the town of Flora are hereby exempted from working on any road beyond the limits of the town, or from paying any taxes to pay for labor on the same.

Exemption from road labor

§ 3. The town council shall have power to provide for the punishment of offenders, by imprisonment in the town or county jail, in cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

§ 4. The town council shall cause to be published annually, in some newspaper published in the county, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Annual statements.

§ 5. This act is hereby declared to be a public act, and may be read in evidence in all courts of this state, without proof.

Evidence of act.

Powers of marshal.

§ 6. The town marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said town, shall have power to execute the same any where within the limits of Clay county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said town marshal shall be a constable of Clay county, and shall give bond as other constables, which bond shall be filed in the office of the county clerk.

Remain in force

§ 7. All ordinances and resolutions passed by the president and trustees of the town of Flora, shall remain in force until the same shall have been repealed by the town council hereby created.

Suits at law.

§ 8. All actions for fines, penalties and forfeitures, which accrue or have accrued to the president and trustees of the town of Flora, shall be vested in and prosecuted by the corporation hereby created.

Prosecutions.

§ 9. All suits for fines, penalties and forfeitures accruing to the corporation hereby created, by virtue of this charter or any ordinance passed in pursuance thereof, may be begun and prosecuted in the form of an action of debt in the circuit court of Clay county.

Vested property

§ 10. All property, real and personal, belonging to the president and trustees of the town of Flora, for the use of the inhabitants of said town, shall be vested in the corporation hereby created.

Conflicting acts repealed.

§ 11. All acts or parts of acts so far as they come in conflict with the provisions of this charter are hereby repealed.

Fire wardens.

§ 12. The members of the town council shall be, *ex officio*, fire wardens and conservators of the peace within the town; and it is hereby made their duty to arrest all persons who have violated any ordinance of the town or any law of the state, with or without process, and have them prosecuted therefor.

Police magistrate.

§ 13. There shall be elected at the first election of town officers and every four years thereafter, one police magistrate, who shall hold his office for four years and until his successor shall be elected and qualified. The mayor of the town, *ex officio*, and the said police magistrate shall have in their county the same jurisdiction, powers and emoluments as justices of the peace in this state, and to all cases arising under the ordinances of the town. The governor shall commission the said mayor and said police magistrate, and each one shall execute and deliver to the town clerk, within twenty days after his election, a bond, with one or more good and sufficient securities, to be approved by said clerk, in the penalty of not less than one thousand dollars, conditioned that he will justly and fairly account for and pay over all moneys that may come into his hands by virtue of his said office, and that he will well and truly perform every act and duty enjoined upon him by this charter

Duties of.

or by the laws of this state to the best of his skill and ability. Said bond shall be made payable to the town of Flora, for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate or said mayor, while acting as police magistrate. Change of venue may in all cases be taken from one police magistrate's court to another; and the practice and usage shall be the same as in the justice's court.

§ 14. This act to take effect and be in force from and after its passage.

APPROVED February 27, 1867.

AN ACT for the incorporation of the town of Carthage.

In force April
1, 1867.

I. BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present boundary of the town of Carthage, in Hancock county, Illinois, is hereby enlarged and extended so as to include within the corporate limits of said town the following territory and lands, to-wit: All of the south half of section eighteen, (18,) and all of section nineteen, (19,) in township five (5) north, and range six (6) west of the fourth principal meridian, and the southeast quarter of section thirteen, (13,) and the east half of section twenty-four, (24,) in township five (5) north, and range seven (7) west of the fourth principal meridian. And the inhabitants residing within said corporate limits are declared a body corporate and politic, by the name of "The Town of Carthage," with perpetual succession; and, by that name, may sue and be sued, contract and be contracted with, lease, purchase, acquire, receive and hold real, personal and mixed estate, sell, bargain, convey or otherwise dispose of the same; and have and use a common seal, which they may alter at pleasure.

Boundaries.

Name and style

II. ELECTIONS.

§ 2. A general election shall be held on the first Monday in May in each year, in said town, for the election of one president and four trustees of the town and such other officers as are made elective by this act or by ordinance of the town. Special elections may be ordered by the town council to fill vacancies occurring in the offices of police magistrates.

Elections.

How held.

§ 3. All elections of the town shall be held by one judge, assisted by one clerk, who shall each take an oath that they will faithfully discharge the duties of their offices according to law, and that they will studiously prevent fraud and corruption in conducting the same. The town council shall appoint the judge and clerk; but in case no appointment is made or those appointed shall decline serving or shall not be present at the time for opening the polls, the electors present may select any of their number to act as judge and clerk or as judge or clerk of the election.

Time of opening polls, etc.

§ 4. The polls shall not be opened earlier than eight o'clock in the morning, and may be closed at four in the evening. The elections shall be conducted as near as may be, with the general law of the state, except as herein changed, and also excepting that no law of the state requiring a registry of voters shall apply to elections held under this act. After the polls are closed the judge and clerk shall canvass the ballots and certify the result to the town council; and all the ballots, poll books, affidavits and papers shall, within three days, be filed in the office of the town clerk.

Qualified voters

§ 5. All persons entitled to vote at general elections, and who shall have permanently resided in said town thirty days next preceding any election shall be entitled to vote at such election.

Challenge of—
form of oath of

§ 6. If the right of any person offering to vote is challenged by any voter of the town he shall be required to present to the judge of election, before his ballot shall be received, an affidavit of himself, in substance as follows, to-wit: "I, A. B. do solemnly swear (or affirm) that I am a citizen of this state and have resided therein not less than one year preceding this election, and in the town of Carthage not less than thirty days next preceding this election, where I now have my residence, and that I am above the age of twenty-one years. A. B." He shall also produce the affidavit of some elector of the town, who is known to the judge of election or whose identity is proved, who shall therein swear that he is well acquainted with the person offering to vote, giving his name, and knows that he has resided in this state not less than one year and in the town not less than thirty days next preceding the election. The affidavit may be sworn or affirmed to before the judge of the election or before any officer authorized by law to administer oaths or affirmation.

Identity.

Eligibility to
office.

§ 7. No person shall be eligible to any office in said town who is not a qualified elector thereof.

Contested elections.

§ 8. The town council shall hear and determine all contested elections in such manner as shall be prescribed by ordinance, and, in case of any tie, shall decide the election by lot.

§ 9. Any person who shall swear or affirm to any material fact as to the qualification of any person voting or offering to vote, knowing the same to be false and not knowing the same to be true, shall be guilty of perjury, and, on indictment and conviction, be punished accordingly. Penalties for false swearing.

§ 10. If any person not entitled to vote, shall vote at any election held under this act he shall forfeit and pay to the town of Carthage not less than one hundred nor more than five hundred dollars, to be recovered by action of debt in the circuit court. Penalties for illegal voting.

§ 11. If any judge of election shall permit any person to vote whose vote has been challenged, without the necessary proof herein required, he shall forfeit and pay to said town for each and every offense one hundred dollars, which may be recovered by action of debt before any police magistrate of the town or in the circuit court. Penalties for neglect of duty of judges of election.

III. OFFICERS—THEIR QUALIFICATIONS, DUTIES, ETC.

§ 12. All officers of the town shall take an oath of office that they will well and truly discharge the duties of their office according to law. Oath of office.

§ 13. The president shall preside over all meetings of the town council, and shall see that the ordinances of the town and the laws of the state are duly enforced within the town, and that all the officers of the town discharge their respective duties. He shall recommend such measures to the council as he may deem advantageous, and shall sign all orders drawn upon the treasurer of the town. Duties of president.

§ 14. He is hereby authorized to call upon any and all white, able-bodied male inhabitants of the town or county of Hancock over the age of eighteen years, to aid in enforcing the laws of the state or ordinances of the town; and any person who shall not obey such call shall forfeit and pay to said town a fine of not less than five nor more than twenty-five dollars. Aid in enforcing laws.

§ 15. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the town an exhibit of his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance of the town. Exhibit of accounts, etc.

§ 16. In case of vacancy in the office of president, or of his being unable to perform any of the duties of his office, the town council shall have power to appoint one of their number president, to preside over the council, who shall be styled "acting president," who shall have all the power of the president until the disability is removed or the vacancy is filled by appointment. And all vacancies in the office of president or trustees shall be filled by appointment by the remaining members of the council. Vacancy.

Appointment of town officers.

§ 17. The town council shall have power to appoint a town clerk, town attorney, treasurer, street commissioner, town constables, and such other officers and agents as may be created by ordinance, and may require any or all of its officers, so appointed, to give bonds for the faithful discharge of the duties of their office, in such penalties as may be prescribed by ordinance, with security, to be approved by the council or the president.

Duties of clerk.

§ 18. The clerk shall keep the corporate seal and the papers and books belonging to the town; shall attend all meetings of the council, and keep a full record of all their proceedings upon the journals; and copies of all papers duly filed in his office, transcripts of the journal of the proceedings of the council, and all ordinances duly certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw all warrants upon the treasurer and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose. He shall, also, keep accurate accounts of all receipts and expenditures in such manner as the council shall direct; and he shall have power to administer oaths and affirmations.

Duties of attorney.

§ 19. The town attorney shall perform all the professional services incident to his office, and furnish written opinions upon all questions and subjects submitted to him by the council or the president, and shall give advice to the other officers of the town, when required.

Duty of treasurer.

§ 20. The treasurer shall receive all moneys belonging to the town, and shall keep an accurate account of all receipts and expenditures, in such manner as the council shall direct. All moneys shall be drawn from the treasurer by an order, signed by the president, countersigned by the clerk, issued in pursuance of an order of the council.

Duties of street commissioners

§ 21. The street commissioner shall see that all persons owing street labor shall work out the same or pay the commutation money therefor, and report to the town attorney the names of all persons who neglect to work out such labor or pay in lieu thereof, and shall report to the council the names of all those who work out the street labor and the names of those who pay in lieu thereof and the amount so paid, and the names of all those who are delinquent. He shall superintend the working of the streets and highways, keep the bridges in repair, and superintend the improvements of all streets, highways and sidewalks, collect all assessments for such improvements, and perform such other duties as the council shall require of him by ordinance.

Removal of officers.

§ 22. The town council shall have power to remove all officers appointed by them, at their discretion. Upon removal from office or resignation or removal from the town, all officers of the town shall deliver over to their successors

all moneys, books, papers and other property of the town, taking a receipt therefor.

§ 23. If any officer of the town shall remove beyond the corporate limits, his office shall become vacated and shall be filled accordingly. Vacation of office.

§ 24. All officers, elected or appointed, shall be notified thereof within ten days thereafter by the town clerk, and, upon failure to qualify in twenty days thereafter, their office may be declared vacated and filled by election or appointment. Failure to qualify.

§ 25. The town clerk shall, within three days after the election of any police magistrate, file a certificate thereof with the county clerk of Hancock county; and the county clerk is required to take bonds of such police magistrate and administer to them their oath of office, the same as with other justices of the peace, and certify their election and qualification to the secretary of state; and the governor shall commission them the same as other justices of the peace. Certificates of election.

§ 26. The constables appointed shall give bond to the town of Carthage, in the penal sum of two thousand dollars, for the use of all persons interested, and conditioned for the faithful discharge of the duties of their office and the payment of all moneys collected by them to the person or persons entitled to receive the same. They shall take the same oath now required to be taken of constables of Hancock county, and shall be constables for the county, with full power to execute all process in any part of the county, and be subject to all the liabilities of other constables. They shall be commissioned by warrant, under the corporate seal, signed by the president and clerk. Constable—bond of.

§ 27. If any person, having been an officer of the town, shall not, within ten days after notification and request, deliver to his successor in office all books, property, moneys, papers and effects, of every description, belonging to the town or pertaining to his office, he shall forfeit and pay to the town of Carthage fifty dollars, besides all damages occasioned thereby. Oath of office.

§ 28. The officers of the town shall receive such fees, salary or other compensation as the council may provide by ordinance, and shall be exempt from serving on juries and from road and street labor. Powers.

§ 29. The president and trustees shall hold their office for the term of one year, commencing from the second Monday in May and until their successors are elected and qualified. The police magistrates shall hold their offices for four years and until their successors are elected and qualified. All other officers shall hold their office for one year and until their successors are appointed and qualified. At the election in May, 1867, there shall be one police magistrate. How commissioned.

At the election in May, 1867, there shall be one police magistrate. Fees and salaries.

At the election in May, 1867, there shall be one police magistrate. Term of office.

Special elections may be called to fill vacancies; in which case the persons elected shall fill the unexpired term.

IV. THE TOWN COUNCIL AND ITS LEGISLATIVE POWERS.

Meetings.

§ 30. The president and four trustees, to be elected annually, shall constitute the town council, who shall hold twelve stated meetings, on the second Monday in each month, and such special meetings as they shall deem expedient, at some convenient place in said town, to be fixed by order or resolution. A majority of the council shall constitute a quorum, but a minority shall have power to compel the attendance of those absent, and may adjourn, from time to time, for that purpose. Special meetings may be called by the president or any two of the trustees, in which case all the other members of the council shall be notified by personal notice or by leaving a written notice at the place of their residence.

Quorum.

Special meetings

Finances.

§ 31. The town council shall have control of the finances and of all the property, real, personal or mixed, belonging to the corporation, and shall have power, within the town, by ordinance—

Indebtedness.

First.—To borrow money on the credit of the town, and to issue the bonds of the town therefor—not exceeding at any one time five thousand dollars, without first submitting the question to a vote of the legal voters of said town—and in no case shall they issue or have outstanding the bonds of the town for a greater sum than ten thousand dollars. No bond shall be issued bearing a greater rate of interest than ten per cent. per annum, nor run for a greater length of time than twenty years from date, and shall not be negotiated for more than ten per cent. below their face.

Second.—To appropriate moneys and provide for the payment of the debts and expenses of the town.

Sanitary regulations.

Third.—To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for that purpose, and to enforce them within the town and within two miles thereof.

Fourth.—To make regulations to secure the general health of the inhabitants; to prevent, abate and remove nuisances, punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Water.

Fifth.—To provide the town with water; to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets, within the town, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets and alleys.

Sixth.—To have the exclusive power and control over the streets, alleys and highways of the town, and to abate

or remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains or sewers therein, and prevent the encumbering or obstruction thereof, and to protect the same from injury.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts, drains, sewers, sidewalks and crossings; to regulate the construction and use of the same; and to establish, alter, change and straighten the channels of water courses and natural drains, to sewer the same or wall them up and cover over, and control the filling up, altering or changing the channels thereof by private persons.

Eighth.—To direct and regulate the planting and pruning of shade and ornamental trees in the streets, highways and public grounds.

Ninth.—To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies.

Tenth.—To regulate the storage of gunpowder and all other explosive or combustible materials.

Eleventh.—To provide for lighting the streets, and to erect lamp posts, and establish and regulate night watches.

Twelfth.—To establish markets and erect market houses and provide for the regulation and government thereof.

Thirteenth.—To erect a town hall and all other needful buildings for the use of the town, and to condemn private property therefor, as hereinafter provided.

Fourteenth.—To provide for inclosing, ornamenting and regulating all public grounds belonging to the town, either within or without the town.

Fifteenth.—To license, tax and regulate auctioneers, grocers, merchants, innkeepers and ordinaries; to impose duties on the sale of goods at auction; to license, tax, regulate and prohibit and suppress hawkers, peddlers, pawnbrokers, grocery keepers, saloon keepers, theatrical or other exhibitions, shows or amusements.

Sixteenth.—To license, tax and regulate hackney carriages, omnibusses, wagons, carts and drays, and to fix the rates to be charged for the carriage of persons and for the wagonage, cartage and drayage of property.

Seventeenth.—To restrain, prohibit and suppress gaming houses, bawdy or other disorderly houses, and to punish for gambling or playing at any game for money or other valuable thing, or for betting on any such game, and to provide for the seizure and forfeiture of all gambling devices used in the town.

Eighteenth.—To license, regulate or suppress and prohibit the selling, bartering, exchanging or giving away of any vinous, malt, fermented, spirituous or intoxicating liquors within the town, and to license, regulate or suppress and prohibit bowling alleys, nine or ten pin alleys, billiard tables, Jenny Lind or other tables in the town.

- Fuel, etc. *Nineteenth.*—To provide for the inspection and weighing of hay and stone coal and the measurement of fire wood.
- Bricks. *Twentieth.*—To provide for the inspection of provisions.
Twenty-first.—To regulate the size and quality of brick to be used or sold in the town.
- Animals running at large. *Twenty-second.*—To regulate, restrain or prohibit the running at large of horses, cattle, sheep, swine and other animals, and to authorize the distraining, impounding and sale of the same, when found running at large contrary to ordinance; to regulate, prohibit and restrain the running at large of dogs, and authorize their destruction when found running at large contrary to ordinance, and to impose penalties and fines upon the owner or owners or keepers of such horses, cattle, sheep, swine, dogs and other animals; and to prohibit indecent exhibitions of horses and other animals.
- Census. *Twenty-third.*—To provide for taking the enumeration of the inhabitants.
- Police. *Twenty-fourth.*—To create, establish and regulate the police of the town.
- Public pounds. *Twenty-fifth.*—To establish and maintain a public pound, appoint a pound master and prescribe his duties.
- Fights, etc. *Twenty-sixth.*—To prevent, suppress and punish riots, routs, unlawful assemblages, assaults, assaults and batteries, disturbance of religious or public meetings, breaches of the peace, fighting, challenging to fight, quarrelling, threatening, and all other disorderly conduct calculated to provoke a breach of the peace or create a disturbance, or which is against good morals or public decency; and to restrain and punish vagrants, mendicants, beggars and prostitutes.
- Vagrants. *Twenty-seventh.*—To fix the compensation and fees of town officers, police magistrates, justices of the peace, constables, jurors and witnesses, when acting under the ordinances of the town.
- Compensation and fees of town officers.
- Railroads, etc. *Twenty-eighth.*—To direct and control the laying and construction of railroad tracks, crossings, bridges, turn-outs and switches within the town limits; to make necessary rules and regulations for keeping the same unobstructed; to regulate the speed that railroad engines and trains may run within the town limits, and to prevent the obstruction of streets, alleys and highways by the standing of cars upon the same; and to require railroad companies to keep their bridges, ditches and crossings, within the corporate limits, in such condition as shall not endanger life or the health or convenience of any inhabitants of the town.
- Speed of locomotives. *Twenty-ninth.*—To regulate, license and prohibit butchers, and revoke their licenses for good cause.
- Bridges, etc. *Thirtieth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals, and to compel per-
- Horse racing.

sons to fasten their horses or other animals attached to any vehicle or otherwise, while standing or remaining in the streets.

Thirty-first.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, packing houses and slaughter houses or pens. Breweries, tanneries, etc.

Thirty-second.—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths. Cemeteries.

Thirty-third.—To have and exercise such other and further powers, by ordinances or otherwise, not inconsistent herewith, as the city council of the city of Quincy has by law. Further powers

§ 32. The town council shall have power to impose fines, forfeitures and penalties for the breach of any ordinance, not exceeding one hundred dollars for any one offense, and to provide for the punishment of offenders by imprisonment in the common jail of Hancock county or other secure place of confinement, not exceeding sixty days, for any one offense, in addition to the fine or penalty; and they may provide, by ordinance, that any person against whom the town shall recover any fine or penalty for violation of any section of this act or any ordinance of the town, shall stand committed to the jail of Hancock county until the fine and costs are paid, or until the same is discharged by labor upon the streets and highways of the town. Fines and penalties.

§ 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into effect and executing the powers specified in this act. Necessary ordinances.

§ 34. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Carthage,*" and shall be signed by the president. All ordinances inflicting fines, penalties or other punishment shall be published ten days before they shall take effect. They shall be published in some newspaper of the town, one insertion or copies thereof be posted in three public places of the town. The certificate of the town clerk of the publication or posting of any ordinances shall be *prima facie* evidence of their publication according to law. After publication, all ordinances, together with the clerk's certificate of publication, shall be recorded in the book of ordinances of the town. Style of ordinances.

§ 35. Said book of ordinances shall be evidence of the adoption, existence and due publication of all ordinances therein recorded; and certified copies thereof, by the town clerk, under the corporate seal, shall be evidence, the same as said book of ordinances, and said ordinances, when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town Evidence of.

council, shall be received in evidence in all courts, without further proof.

Revision of

§ 36. It shall be the duty of the town council to have the ordinances of said town revised and published in pamphlet form, as early as convenient; and, until such revision and publication, the ordinances of the president and trustees of the town of Carthage shall be and remain in full force and effect as the ordinances of said town.

V. TAXATION.

§ 37. The town council shall have power, within the town, by ordinance—

Taxes—for state purposes.

First.—To levy and collect, annually, taxes, not exceeding ten mills to the dollar on the assessed value of all real and personal estate and property within the town, and on the assessed value of all personal property, rights and credits of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent purposes of the town, not herein otherwise provided for, which taxes shall constitute the general fund.

Interest on debt

Second.—To annually levy and collect taxes, not exceeding five mills on the dollar, on all property subject to taxation, as in the preceding clause, to meet the interest accruing on the debt of the town. And the town council shall pass no ordinance creating a debt without at the same time making provisions for levying a tax sufficient to pay the interest accruing thereon when payable.

Tax for public buildings.

Third.—To annually levy and collect taxes on all property subject to taxation by the town, when necessary and required for the erection of a town hall, market house, town prison, engine house or other public improvements: *Provided*, that no tax for such purpose shall be levied in any one year which shall exceed ten mills on each dollar assessed valuation.

Street labor.

Fourth.—To require and it is hereby made the duty of every male resident of the town, over the age of twenty-one years and under the age of sixty years, to labor not less than three nor more than five days in each year upon the streets, alleys and highways of the town; but any person may, at his option, pay, in lieu thereof, such sum as may be prescribed by ordinance, not exceeding five dollars: *Provided*, the same shall be paid within ten days after notice by the street commissioner. In default of payment, as aforesaid, and of the labor assessed, the sum of two dollars per day and costs shall be collected; and no set-off shall be allowed in any suit brought to collect the same.

Assessments.

§ 38. The town council may adopt the assessments of property taxation made by the township collectors for state and county purposes; and, in that event, they shall cause the town clerk to certify to the county clerk of Hancock county,

on or before the second Monday in September, the rate of taxes ordered to be levied and collected, with a list of the persons in said town aforesaid, for personal property; and the county clerk shall extend the corporate taxes upon the collector's books in the same manner as school taxes are extended, in accordance with the rate so certified to him; and it is hereby made the duty of township collectors and the county collector to collect such taxes and enforce the payment thereof at the same time and in the same manner as the other taxes, and, for that purpose, they shall each have the same powers and rights that they have to collect the other taxes; and shall pay the same over to the treasurer of the town at the same time they are required to pay over the other taxes, and shall receive the same compensation therefor as for the state taxes; and the court shall render judgment and order the sale of any lot or other real estate for the non-payment of the town taxes the same as for other taxes; and the judgment may be for the aggregate of all the other taxes, including the state, county, town and other taxes, or for the aggregate of the town taxes separately from the others, and not even in that respect shall invalidate any judgment or sale. The several collectors shall be liable on their bonds for the faithful performance of their duties under this act.

Extension of.

Collection of.

§ 39. The town council may, whenever it deems expedient, by ordinance, provide for the assessment and collection of town taxes through its own officers, and, for that purpose, may appoint an assessor and collector, define their powers and duties, provide for their qualification and liabilities, and may confer on them all the powers by the general laws conferred upon assessors, town and county collectors, and such other powers as shall enable them effectually to collect such taxes; and may provide by ordinance the mode and manner of applying to the county court of Hancock county for judgment against real estate upon which the taxes remain unpaid; and the notice of such application, and the notice of the sale of the real estate against which judgment may be recovered, and the deed, when made, for real estate sold for the non-payment of taxes, shall be *prima facie* evidence of the legality and regularity of all the proceedings from the beginning and of the judgment, precept, sale and the making of the deed, and otherwise, shall be evidence the same as other tax deeds for land sold under the revenue laws of this state.

Manner of and provision for collection.

VI. PUBLIC IMPROVEMENTS.

§ 40. The town council shall have power to purchase or condemn, take and appropriate all necessary real estate in said town for the purpose of laying out, establishing, extending, straightening or widening any street, alley, lane,

Private property for public purposes.

avenue or highway, within the corporate limits, for the use and convenience of the public, or for the purpose of erecting thereon a town hall, engine-house, market-house or other necessary public buildings, for the use and convenience of the inhabitants of the town, paying to the owner or the owners of the real estate so condemned and appropriated a just compensation therefor. In estimating such just compensation the benefits the remaining portion of the real estate over which any street, alley, lane or highway is laid out, extended, widened or straightened will receive or derive from the proposed act of the town council, shall be deducted from the value of the portion taken and the damages allowed the owner or owners thereof.

Duties of council therein.

§ 41. To carry the foregoing power into effect the town council shall have power to make all necessary ordinances, alter, amend and repeal the same, from time to time; and may appoint three disinterested freeholders of the town to make and report thereon an assessment of the damages which the owner or owners of the real estate appropriated will sustain, together with the benefits such owners and the owners of other real estate in the neighborhood of the street, alley, lane, avenue or highway will derive therefrom, and fix the notice to be given by them before making their assessment, and the kind and time of notice to be given, before the town council shall act upon their report; and the town council shall have power to confirm such report, either in whole or in part, to set aside the same and refer the matter back to the same or other commissioners to alter or amend their report or assessment in such way and manner as may be prescribed by ordinance.

Powers of council therein.

§ 42. The town council shall have power to grade the streets, avenues and sidewalks, and macadamize, plank, gravel, pave or otherwise improve the same, and to build sewers or cause the same to be done; and cause the benefits of such improvements to the lots or parts of lots in front of which the same are made (not exceeding the estimated cost of the same) to be assessed, and to tax the amount of such benefits upon the lots or parts of lots in front of which such improvements are made, in such manner as may be prescribed by ordinance, not inconsistent with the constitution of this state: *Provided*, that any person who may feel himself aggrieved by any special assessment or by the laying out of any new street or by the widening, altering or relocating any old one, shall have the right of appeal to the circuit court in the same manner as appeals are now allowed by law from the judgments of justices of the peace.

Proviso.

Judgments and costs.

§ 43. In all cases where assessments may be made under this act and the ordinances of the town upon any real estate in the town, and such assessments or any of them are not collected by the officer holding the warrant for their collection before the return day thereof, or within the

time fixed by ordinance or the order or resolution of the town council making the assessment, the town council may, through its clerk or attorney, apply to the county clerk of Hancock county for judgment against the lots and real estate for the amount of the assessments due thereon and unpaid and costs of the application and proceedings in the case; and the county court, on such application, shall, if no good cause to the contrary be shown, render judgment against such lots and real estate for the assessments thereon and costs, and shall issue a precept to the sheriff of Hancock county to sell such lots or real estate, or so much thereof as may be necessary, to pay such judgment and costs, in the same manner and with the like effect as if sold under execution; and the holder of any certificate of purchase at any such sale, or his assigns, shall be entitled to a deed thereon after the expiration of fifteen months after the sale.

§ 44. The town council shall have full power to provide, by ordinance, for the collection of any assessments by distress upon personal property by the officer holding their warrant for the collection thereof the same as for ordinary taxes; to fix the time of payment, and of the kind and time of notice of all assessments and of the application to the county court for judgment thereon.

Collection of
assessments.

VII. MISCELLANEOUS PROVISIONS.

§ 45. The town council shall have power to subscribe to the capital stock of any railroad company to or from Carthage, or which may pass through or near said town, on [the] same terms and conditions imposed upon counties, not however to exceed ten thousand dollars to any one railroad company, nor more than twenty thousand dollars in all, and to pay the same by issuing and delivering the bonds of said town, and, in that event, shall have power to levy and collect taxes, as in other cases, a sum sufficient to pay all the interest accruing on such bonds and to pay off the principal when due, or to provide a sinking fund for their payment before due.

Subscription to
R. R. stock

§ 46. All prosecutions commenced by the president and trustees of the town of Carthage and all causes of action which may accrue to or against the president and trustees of the town of Carthage before this act takes effect shall remain unaffected by this act and may be prosecuted to final judgment as though this act had not been enacted; but the town of Carthage, as herein incorporated, shall be entitled to receive and discharge all judgments so recovered, and shall have power to settle all such causes of action and shall discharge all liabilities of the president and trustees of the town of Carthage.

Suits at law.

§ 47. In all cases arising under the ordinances of said town changes of venue and appeals shall be allowed as in

Change of
venue.

other cases before justices of the peace: *Provided*, that the town shall not be required to give bonds or security on any appeals.

Exempt from
taxation.

§ 48. That all property taxable in said town for corporate purposes and the inhabitants of said town shall be exempt from any and all taxes and assessments under the general laws of the state by the county or township authorities, for bridges, township or road purposes; and said inhabitants shall not be required to work on any road beyond the limits of said town.

Construction of
act.

§ 49. This act shall be deemed a public act, and shall be liberally construed in behalf of the town, and shall be taken notice of by all courts judicially, and shall take effect and be in force from and after the first day of April, A. D., 1867.

APPROVED February 27, 1867.

In force March
8, 1867.

AN ACT to incorporate the town of Avon, in the county of Fulton.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, The the inhabitants of the town of Avon, in the county of Fulton, and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Avon," and by that name and style shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested and by whom its affairs shall be managed.

Powers.

§ 2. The inhabitants of said town by the name and style aforesaid may sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town for burial grounds or other purposes for the use of the inhabitants of said town, and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve or protect such property and do all things in relation thereto as natural persons.

Boundaries.

§ 3. That the boundaries of the corporation of said town may be established, viz: Beginning at a stone nineteen and fifty hundredths (19.50) chains north of the southwest corner of section nineteen, township eight (8) north, range one (1) east on the line of the fourth (4th) principal meridian; thence east twenty-one and fifty hundredths (21.50) chains; thence south nineteen and fifty hundredths

(19.50) chains; thence east twenty-one and twenty-five hundredths (21 25) chains; thence north eleven (11) chains; thence east thirteen and fifty hundredths (13 50) chains; thence north twenty-five (25) chains; thence east seventeen and fifty hundredths (17.50) chains; thence north eight and fifty hundredths (8.50) chains; thence west eleven (11) chains; thence north ten and twenty-five hundredths (10.25) chains; thence west twenty eight (28) chains; thence south eight and fifty-eight hundredths (8.58) chains; thence west thirty four and seventy-five hundredths (34.75) chains to meridian line; thence south along said line twenty-six and sixty-seven hundredths (26.67), to the place of beginning.

§ 4. There shall be on the first Monday in April next, or as soon thereafter as practicable, and on the first Monday in April ever thereafter, biennially, be elected five trustees for said town, who shall hold their offices for two years and until their successors are elected and qualified; and notice of the time and place of the first election shall be given by David H. Small, Isaac Cunningham, Oliver Crissey, Leander H. Hewitt and Joel L. Coe, or a majority of them, by posting at least four notices in public places in said town, at least ten days before the time of holding the same, and biennially thereafter notices of election shall be given by the president and trustees by publication in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the same time of notice as aforesaid. No person shall be elected trustee in said town who shall not be entitled to vote for state and county officers, and who shall not have been, for one year previous to such election, a *bona fide* resident within the incorporated limits of said town and shall have paid taxes within the same.

Election of trustees.

Notice of—how given.

§ 5. That at any election for trustees, every person who shall be qualified to vote for state officers, and who shall have resided within the limits of said corporation for one month previous to such election, shall be a legal voter.

Qualifications of voters.

§ 6. That the trustees shall elect one of their number president and shall be judges of the elections and returns of their own members, a majority of whom shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and make such rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancy in the board of trustees occasioned by death, resignation, continued absence from town for three months or otherwise.

President.

Quorum.

Penalties.

§ 7. The president and trustees of said town shall have power to cause all the streets, alleys and public roads within the limits of said town to be kept in good repair,

Powers of trustees.

Road labor.	and to this end they shall require every male resident of said town, over the age of twenty-one years, and under the age of fifty, to labor on the same, not exceeding three days in each and every year; and if such labor be insufficient for the purpose, to appropriate so much from the general fund of the corporation as they shall deem necessary therefor; to levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half of one per cent. per annum upon the assessed valuation thereof; and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; and for the collection of delinquent taxes, the act of March 1st, 1854, shall be the law by which they shall be collected;
Taxes—rate of collection of.	to restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same; and to prohibit any indecent exhibition of horses and other animals; to prevent and regulate the running at large of dogs and to authorize the destruction of the same when at large contrary to any ordinance; to regulate and prohibit any indecent exposure of person; to prevent horse racing or any immoderate riding or driving within the limits of said town of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, public square, vacant lot or public road within the limits of said town; to establish and maintain a public pound, and to appoint a pound master and prescribe his duties; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys and all other gambling establishments; and they may by ordinance declare billiard tables and ball alleys a nuisance, and provide by ordinance for abating and removing them, if gaming is carried on upon them, whether money or other valuable things be staked or bet upon the game or not; to suppress or prohibit disorderly houses or groceries, and houses of ill-fame; to license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements; to prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud or unusual noises or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns or other combustibles or fire arms, within the limits of said town; to abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be deemed nuisances; to make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any disease, not exceeding one mile from the limits thereof; to regulate the
Animals at large.	
Impounding.	
Indecent exposures.	
Fastening animals.	
Public pounds.	
Gambling.	
Billiards, etc.	
Disorderly houses.	
Amusements.	
Riots.	
Fire arms, etc.	
Nuisances.	
Sanitary measures.	
Limits.	

storage of gunpowder and other combustible materials ; to provide for the prevention and extinguishment of fires and to organize and establish fire companies ; to provide the town with water for the extinguishment of fires and for the convenience of the inhabitants ; to provide for the inclosing, improving and regulating all public grounds or other lands belonging to said town ; to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or sidewalks within the limits of said town ; to make all necessary regulations to secure the general health of the inhabitants thereof ; to provide for the erection of all needful buildings for the use of said town ; to suppress and prohibit the selling, bartering, exchanging and trafficking in wines, gin, rum, brandy, beer, whisky or other intoxicating beverages within the limits of said town : *Provided*, that they may allow it sold in good faith for purely medicinal, mechanical or sacramental purposes, but for no other purpose ; and said president and trustees may regulate and license the sale of such liquors or any of them, in any manner not inconsistent with the laws of this state ; to appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of all town officers ; to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town and to execute the same ; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties : *Provided*, that in no case, except for assault, assaults and batteries, riots and affrays, shall be more than twenty-five dollars ; to appoint a treasurer and town clerk of their own number or otherwise, and fix upon their salaries.

Gunpowder.
Fires—water.
Public grounds.
Health of town.
Town buildings.
Liquors.
Proviso.
Debts and expenses.
Necessary ordinances.
Fines—recovery of.
Proviso.

POLICE JUSTICE AND TOWN CONSTABLE.

Police justice
and town constable.
Election of.

§ 8 There shall be elected, in the town of Avon, by the qualified voters thereof, on the first Monday of April, A. D. 1867, or as soon thereafter as practicable, and on the first Monday of April quadrennially forever thereafter, a police justice and town constable, who shall hold their offices for four years and until their successors are elected and qualified.

§ 9. No person shall be eligible to the office of police justice or to the office of town constable who shall not have been a resident of the town one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

Eligibility of.

Election pre-
cincts.

§ 10. For the election of police justice and town constable, the town of Avon is hereby declared an election precinct, and such election shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables:

Proviso.

Provided, such election shall be held at the same time and shall be conducted by the same judges as the election of town trustees, and at the expense of the town of Avon.

How commis-
sioned.

§ 11. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace, and as such give bond and take and subscribe the same oath of office as other justices of the peace, and as such shall be conservator of the peace for the said town, and shall have power and authority to administer oaths, issue writs and processes, take depositions, acknowledgment of deeds, mortgages and other instruments of writing, and certify the same as other justices of the peace, and shall have exclusive original jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Powers.

Jurisdiction.

Fees.

Constable—fees
—bonds.

§ 12. The town constable shall have such power and authority and be entitled to such fees, and be placed under such bonds, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created, and shall have the same power and authority in all cases arising under the laws of this state, as other constables of this county, and shall have the same right to serve processes as other constables, at any place within the limits of the county of Fulton—processes issued either by police justices or justices of the peace. The jurisdiction and powers hereby given and conferred to said police justice and constable shall be the same as has been or may be conferred by acts of the legislature or other incorporated towns and cities, on all matters not herein enumerated. In case the police justice shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Fulton county, and on conviction, shall be fined in any sum not exceeding two hundred dollars, (\$200) and removed from office.

Processes.

Limits.

Penalty for neg-
lect of duty.

First election.

§ 13. The first election shall be held by David H. Small, Isaac Cunningham, Oliver Crissey, Leander H. Hewitt and Joel L. Coe, or a majority of them, who shall take the oath prescribed by the statutes for judges of election, and ever after by the president and trustees of the town of Avon, according to ordinance passed by them for elections.

§ 14. The president shall preside at all meetings of the board of trustees, and shall have a casting vote and no other; and in case of his non-attendance at any meeting, the board of trustees shall appoint one of their number chairman, who shall preside at that meeting.

The president.

Acting president.

§ 15. The president, or any two members of the town trustees, may call special meetings of the town trustees.

Special meetings.

§ 16. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call, shall forfeit and pay to said town a fine not exceeding ten dollars. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

Enforcement of laws.

Call to assist.

Penalty for refusal.

SPECIAL CASES.

§ 17. The town trustees shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, or any part of any street or alley, according to their respective fronts owned by them, for the purpose of paving or grading the sidewalks of such street or alley. The inhabitants of the town of Avon are hereby exempted from working on any road beyond the limits of the town, and from paying tax to procure laborers to work on the same. Any person liable to do road work in said town, refusing or neglecting to perform such work as the trustees may require by ordinance, not exceeding the three days, shall forfeit and pay the sum of one dollar for each and every day so neglected.

Taxes for improvements.

Exemption.

§ 18. The town trustees shall have power to provide for punishment of offenders against the ordinances of said town, by imprisonment in the county jail not exceeding thirty days for any offense, in all cases where the offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them, the said town paying the expense therefor until such time as said town shall provide a prison of their own, when they shall be required to use it instead of the county prison.

Refusal.

Punishments.

§ 19. The town trustees shall cause to be published annually, a full and complete statement of all moneys received during the preceding year, and on what account received and expended. All moneys received from fines shall be paid into the office of the treasurer of the board of trustees, subject to their order of distribution.

Annual statement.

§ 20. The trustees may make ordinances requiring all necessary officers to carry out the requirements of this act.

Ordinances carrying out act.

Oath of office.

§ 21. All officers shall be sworn to support the constitution of the United States and of this state, and the necessary oath appending to the office.

Bonds.

§ 22. All bonds required from officers, not mentioned in this act, shall be given to the president and trustees of the town of Avon, and they, the said trustees, shall affix their compensation.

Appeals.

§ 23. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Fulton county, and every appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, in similar cases, under the laws of this state.

Vacancies.

§ 24. Whenever a member of the board of trustees, the police justice or town constable, or any person holding office under the corporation, shall remove from the town, resign or die, or his office become vacated otherwise, the town trustees shall cause the same to be filled; those who are elected by election, to fill out the expiring time of said office.

Public act.

§ 25. This act is hereby declared a public act, and may be received in evidence in all courts of law and equity in this state, without proof.

Town constable

§ 26. The town constable, or any other officer authorized to execute writs or other process issued by the police justice, shall have power to execute the same anywhere within the county of Fulton, and shall be entitled to the same fees as other constables in like cases.

Powers and limits.

Failure to hold election not to invalidate.

§ 27. Should the election herein provided to be held on the first Monday in April, A. D. 1867, from any cause, fail to be held at that time, it may be held on any other Monday thereafter, by giving the notice as required in section four of this act.

§ 28. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force March 9, 1867.

AN ACT to incorporate the town of Nilwood, in the county of Macoupin.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Nilwood, Macoupin county, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Trustees of the town of Nilwood;" and, by that name, shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

§ 2. The boundaries of said town shall include all the present recorded plat of the same, and all other tracts or parcels of lands that may hereafter be laid off into town lots, adjoining the same: *Provided*, that the president and trustees may have power to alter or change the same to any distance not exceeding one half mile from the boundary above mentioned.

Boundaries.

Proviso.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatever; to purchase, receive and hold property, real and personal in said town; to purchase, receive and hold property, both real and personal, beyond the corporation limits, for burial grounds and other purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real or personal, for the benefit of said town, and to improve and protect such property, and to do all things in relation thereto as natural persons.

Powers.

Possession of property.

§ 4. That there shall, on the first Monday in April next be elected one president of the board of trustees, four trustees, (and one police magistrate, who shall give bond to the board of trustees, be qualified and have concurrent jurisdiction in all cases the same as other county magistrates), and on every first Monday in April thereafter, who shall hold their offices for one year and until their successors are elected and qualified. And public notice of the time and place of holding said election shall be published by posting it up in at least three of [the] most public places in said town.

Election of officers—bonds of—how qualif'd—jurisdiction.

Term of office.

Notice of election.

§ 5. No person shall be qualified to hold any of the

Qualifications.

aforementioned [offices] who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state or county tax. And

Qualified voters

all persons shall be entitled to vote at any election held under the provisions of this charter who are entitled to vote by the laws of the state. And the said president and trustees shall, at their first meeting, proceed to appoint a clerk, a treasurer, an assessor, a street commissioner, and a town constable, which said officers, so appointed, shall

Appointment of officers—bonds of.

give bond and security in such amounts and with such conditions as the trustees may require; and the said town constable shall take an oath of office before some justice of the peace or notary public that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines and serve all processes at the suit of the corporation, and shall execute all writs, process and precepts which may be issued against any person for violation of any of the laws or ordinances of the town, and shall have and possess the same powers and perform the same duties, in

Constable—oath of office—duties of.

Powers of.

other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform—said constable to hold his office for one year or until his successor is appointed and qualified.

Rules and regulations.

§ 6. The trustees, aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction and for the transaction of the business and concerns of the corporation as they may deem expedient, and to ordain and establish and put in execution such by-laws, ordinances and regulations as they shall deem necessary for the government of said town and for the management, control and disposition and application of its corporate property, and, generally, to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and which are not contrary to the laws and constitution of this state.

By-laws, etc.

Duties of assessor.

Assessments.

§ 7. It shall be the duty of the assessor appointed under the provisions of this act to make, between the first of May and the first of August of each year, a just and equitable assessment of all the property, both real and personal, inside the limits of said corporation, that is subject to taxation by the laws of the state; which assessment shall be completed and returned to the president and board of trustees by the first day of August of each year, for their revision and approval. Upon which assessment list the said board of trustees shall proceed to levy and collect a tax, not exceeding one-half of one per cent. on such property; said tax to be collected by the town constable or other person, in such time and in such manner as the board of trustees may prescribe: *Provided*, that no sale of real estate shall be made until public notice of the time and place of such sale shall be given, by posting up notices of the same in at least four of the most public places in said town at least thirty days previous to the day of sale.

Taxes—rates of—how collected.

Proviso.

Redemption of property sold for taxes.

§ 8. When any lots or real estate shall be sold for taxes, as aforesaid, the same shall be subject to redemption in the time and on the terms now provided or hereafter to be provided by the revenue laws of this state; but should the real estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser, or other person for him, shall have paid all taxes with which such lots or real estate shall have been charged up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed therefor, signed by the president and countersigned by the clerk of the board of trustees.

Tax on exhibitions.

§ 9. The trustees shall have power to tax all shows and houses of public entertainment, taverns, beer houses and stores, for the purpose of making and improving the streets

and side-walks of said town and such other works and improvements of public utility as the interest and convenience of the inhabitants of said town may require; they shall, also, have power to tax, license and regulate saloons and tippling houses, and to suppress gaming houses, bawdy houses and all disorderly houses that disturb the peace of the citizens.

§ 10. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse racing, riotous meetings or assemblages, and to punish persons for making loud and unusual noises, or for disturbing persons, for disturbing religious or other legitimate assemblages in said town; for which purpose the board of trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect, and to impose fines for the violation thereof, which fines shall be recovered before the town magistrate or any other justice of the peace in said town; and the said trustees shall have power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal thereof.

§ 11. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered on view or on complaint being made to him, on oath, of a violation of any law or ordinance of said town, to issue his warrant in the name of the president and board of trustees of the town of Nilwood, directed to the town constable, to apprehend the offender or offenders and bring him or them before him forthwith; and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the incorporation to impose such a fine and imprisonment as is provided by the laws of this state for the punishment of similar offenses.

§ 12. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury, for the use of the inhabitants thereof.

§ 13. The trustees shall keep a well bound book in which shall be recorded in a fair and legible hand all by-laws and ordinances of the said corporation; and no by-law or ordinance shall be in force until the same shall have been advertised by posting up copies of the same in at least three of the most public places in said town ten day previous to the time the same is to go into effect; which record or book shall be evidence of the authority of said by-laws or ordinances that they have been legally enacted.

§ 14. The said trustees shall have power to make side-walks in said town: *Provided*, that the lot in front of which any side-walk shall be made shall be taxed in any propor-

Purpose of.

Saloons.

Disorderly houses.

Breaches of the peace.

Disturbances.

By-laws, etc.

Fines, etc.

Nuisances.

Duties of justice of the peace.

Disposition of fines.

Books of record

Publication of ordinances.

Evidence of authority.

Sidewalks, etc.

Proviso.

tion to the whole cost of making the same, in any amount not exceeding one-half the cost of said side-walk.

Justice of the
peace.

§. 15. The justices and constables who are required to render services under this act shall be entitled to the same fees and collect them in the same manner as is or may [be] hereafter provided by law.

Meeting of the
board.

Notice of.
Adjournment.

Absentees.

Proceedings in
case of failure
to give notice
of election.

§ 16. That the president or any two of the trustees shall have power to call a meeting of the board, by giving one day's notice thereof; but a majority shall have power to adjourn, from day to day, and compel the attendance of absent members; and in the event that the notice of an election is not given, as required by this act, or from any other cause, that an annual election shall not have been held at the proper time, it shall be lawful for the late clerk of the board, or for any two qualified voters of said town, at any time thereafter, to give notice, as aforesaid, of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act.

Appeals.

§ 17. In all cases arising under this act appeals may be taken and writs of *certiorari* allowed as is now or may hereafter be allowed by law.

§ 18. This act to take effect from and after its passage.
APPROVED March 9, 1867.

In force Feb'y 23, 1867. AN ACT to amend the charter of the town of Collinsville, in Madison county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees shall have power, by ordinance—

Vagrants, etc.

First.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Nauseous and
offensive build-
ings.

Second.—To compel the owner or occupier of any grocery, cellar, soap or tallow chandler, blacksmithery, tannery, stable, slaughtering house, establishment for rendering or steaming lard, tallow, offal, or any other substance, packing-house, breweries, distilleries, privies or other place or places or establishments wherein nauseous, offensive or unwholesome business may be carried on, to cleanse, remove or abate the same, and to direct their location, regulate their construction, or to abate or prohibit them within the town limits altogether.

Taxes—rate of.

Third.—To levy and collect taxes upon all property, real and personal, within the limits of the corporation, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce payment thereof in any manner,

to be prescribed by ordinance, not repugnat to the constitution of the United States and of this state.

Fourth.—To levy and collect a special tax on the owner or holder of any lots on any street, avenue or alley, or part thereof, according to their respective fronts owned or held by them, for the purpose of providing or repairing such street, side-walks, gutters, drains or curbing. Special taxes.

Fifth.—The president and board of trustees may, if they choose, collect the revenue of said town, either of a general or special nature, by adopting, by ordinance, the annual assessment made of the property of said town by the county assessor, and cause the same to be collected by the county collector; and if they shall determine to adopt the assessment made by authority of the state and county they shall give the clerk or other officer whose duty it is by law to extend the tax notice of their intention so to do; which notice shall be a copy of their record and the rate of taxation; and, upon the receipt of such notice, the said tax shall be extended and collected and its collection enforced in the same way as the other revenue; and the clerk and collector shall be allowed the same compensation for services rendered under this act as are allowed for similar services under the revenue laws of this state. Manner of collecting revenue.

Sixth.—They shall have power, by ordinance, to fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, privies, sinks or private drains, and direct and regulate their construction and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments. Grounds, yards, cellars, etc.

Seventh.—To open, alter, vacate, widen, extend, establish, grade, pave and otherwise improve any streets, avenues, lanes, alleys and public roads within the limits of said town. Street improvements.

Eighth.—To regulate, restrain or prohibit the running at large of horses, mules, jack-asses or jennies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale thereof for costs of the proceedings and the penalties incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, tax, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners and keepers thereof. Animals at large

Ninth.—To vacate, alter or change the location of any street or alley, upon the petition of the property holders owning property adjoining on such street or alley, or part thereof, and to convey, by quit-claim deed, to said adjoining owner, all interest which said town may have had in such street or alley or part of such street or alley. Location and of streets.

Tenth.—To borrow money on the credit of the town, and issue bonds therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law; nor shall a greater sum or sums be borrowed or at any Indebtedness.

time outstanding the interest upon the aggregate of which shall exceed the one half of town revenue for the year immediately preceding.

Walls and
fences.

Eleventh.—To compel the owner of dilapidated walls and buildings to take down or repair the same; and to regulate and compel the owner of adjoining lots or grounds to make and keep in repair their equal proportions of division fences.

Punishment of
offenders.

Twelfth.—The president and board of trustees shall have power, by ordinance, to provide for the punishment of offenders against the ordinances of said town of Collinsville by imprisonment in the town jail or by compelling offenders against their said ordinances to work out their fines by labor, either in work-houses or on the streets, with or without a ball and chain attached, where such offenders shall refuse to pay the fines and forfeitures which may be recovered against them, the town paying the expenses therefor.

Duties of police
magistrate.

Thirteenth.—It shall be the duty of the police magistrate in said town and he is hereby authorized and empowered, on view or on complaint being made to him in writing under oath, of the violation of any law or ordinance of said town to issue a warrant, directed to the town constable or any other authorized person to arrest the offender or offenders and bring him, her or them forthwith before him; and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the town of Collinsville, to impose such fines or imprisonment as may be provided for by the ordinances of said town, or by labor in the work-house or on the streets, as the nature of the violation seems to require.

Constables.

Fourteenth.—The president and board of trustees shall have power to appoint assistant constables, who shall give bond and security and be qualified in the same manner as the town constable now is, and who, when so appointed and qualified, shall have equal power and authority within the limits of the corporation as the town constable; and all of such constables and other officers of said town, as may be authorized, by ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons, who shall break the peace or threaten to break the peace, or be found violating any ordinance of the town, commit for examination, and, if necessary, to detain over night or over the Sabbath, commit him, her or them to the town jail until such offender or offenders can be brought before the police magistrate; and shall have such powers and exercise the same as conservators of the peace or the corporate authorities may prescribe.

Process of law.

Fifteenth.—The ordinary process shall be by summons; but in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, then the police magistrate may issue a warrant to bring the party accused forthwith, before him, to answer

such complaint; and in that case the party accused shall remain in the custody of the officer arresting until the suit is disposed of and the fine and costs, if any, imposed on him, her or them be paid or otherwise discharged, according to law, unless he, she or they shall enter into a recognizance, with good security, before final judgment in the case before the police magistrate of the corporation in double the amount of the penalty that may be inflicted upon him, her or them in the suit, conditioned that he, she or them will pay the judgment and costs that may be rendered against them therein; and in default of such bail the officer may commit the party accused to the town jail for safe keeping, while the cause is not being tried.

Sixteenth.—The town constable shall have power and authority and be entitled to such fees and be placed under such bonds, conditioned for the faithful performanc of the duties of his office, as may be prescribed by the ordinances of the town, and shall have the same power and authority in all cases arising under the laws of this state as other constables of the county, and shall have the same right to serve any process as other constables of the county at any place within the limits of the county of Madison.

Constable's
bonds.

Powers and
authority.

Seventeenth.—All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in pamphlet or book form and purporting to be printed or published by the authority of the board of trustees, the same shall be received in evidence in all courts and places without further proof.

Publication of
ordinances.

Eighteenth.—This act is hereby declared a public act, and may be read in all courts of law or equity within this state without further proof.

Proof of act.

Nineteenth.—This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to extend the corporate powers of the town of Neponset.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants in the town of Neponset, in the county of Bureau, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Neponset;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

Name and style

§ 2. The boundaries of said town shall include the following described territory, to-wit: A part of sections ten

Boundaries.

and fifteen, in township fifteen north, range six east of the fourth principal meridian, in said Bureau county, bounded as follows: Commencing eighty rods south of the southwest corner of said section ten, thence running east to the east line of said section fifteen, thence running north one mile, thence running west one mile, thence running south one mile, to the place of beginning.

Additions.

§ 3. Whenever any tract of land adjoining the town of Neponset shall be laid off into town lots and recorded, as required by law, the same shall be annexed to and form a part of the town of Neponset.

Corporate powers.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and for other purposes, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL.

President and councilmen.

§ 1. There shall be a town council, to consist of a president and five members, to be chosen annually by the qualified voters of said town.

Vacations.

§ 2. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

Qualifications.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Absentees.

§ 4. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

Rule of proceedings.

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members, expel a member for just cause.

Journal.

§ 6. The town council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Vacancies.

§ 7. All vacancies that may occur in the town council shall be filled in such manner as it shall appoint.

§ 8. Each member of the town council, before entering upon the duties of his office, shall, in addition to the oaths prescribed by the constitution of this state, take and subscribe an oath that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

§ 9. Whenever there shall be a tie in the election of members of the town council the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as may be prescribed by ordinance. Ties.

§ 10. The town council shall hold stated meetings in each year, at such times and places as it shall appoint. Meetings.

ARTICLE III.

OF ELECTIONS.

§ 1. On the third Monday of April next an election shall be held in said town for the president and five members of the town council, and forever thereafter, on the first Monday of January in each year, there shall be an election held for said officers. The first election shall be held, conducted and returns made, as may be provided by ordinance, by the present president and trustees of the town of Neponset; and all succeeding elections as may be provided by ordinance of the town council by this act created. Time and place of elections for officers.

§ 2. All persons who may be entitled to vote under the general election laws of this state, and who shall have been actual residents of said town for thirty days immediately preceding any such election in said town shall be entitled to vote at any election for corporate purposes held in said town. Qualification of voters.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority to levy and collect tax on all property, real or personal, within the limits of said town, not exceeding two per centum per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state. Authority to tax

§ 2. The town council shall have power to appoint a clerk, treasurer, marshal, constable, supervisor of streets, policemen and such other officers as may be necessary, and to require of all officers appointed in pursuance of this charter, bonds, with such penalties, conditions and security, for the faithful performance of their duties, as may be deemed expedient; and, also, to require all officers appointed as aforesaid, before entering upon the discharge of their respec-

tive official duties, to take an oath, in the same manner as is provided in section 8 of article two of this act.

Debts and ex-
penses.

§ 3. To appropriate money and provide for the payment of the debts and expenses of the town.

Sanitary.

§ 4. To make regulations to prevent the introduction or spreading of contagious diseases within the town and within three miles thereof, and to enforce the same within three miles outside the limits of said town.

§ 5. To establish hospitals and make regulations for the government of the same.

§ 6. To make regulations to secure the general health of the inhabitants of said town.

§ 7. To declare what shall be a nuisance, and to restrain, prevent or remove the same, within said town and within three miles outside of the limits of said town.

§ 8. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Street improve-
ments.

§ 9. To lay out, open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair public grounds, streets, avenues, lanes and alleys, and to establish a building line thereon.

Police.

§ 10. To establish, maintain and regulate a police force.

Public grounds.

§ 11. To provide for the inclosing, improving and regulating all public grounds belonging to the town.

Public build-
ings.

§ 12. To provide for the erection of all needful buildings for the use of the town; to erect, maintain and support a building for the confinement of offenders against the ordinances of said town.

Merchants, re-
tailers, etc.

§ 13. To license, tax and regulate auctioneers, merchants, retailers, taverns and ordinary hawkers or peddlers: *Provided*, that no fees shall be charged for any such license or other tax imposed on account of such occupation where the person having or receiving the same is a resident of said town and is assessed therein.

Exhibitions.

§ 14. To license, tax, regulate and suppress theatrical and other public shows and amusements.

Gaming, etc.

§ 15. To restrain, prohibit and suppress gambling houses, bawdy houses, disorderly houses, dram shops and tippling houses, within said town and within three miles from the limits of said town.

Street obstruc-
tions.

§ 16. To prevent the obstruction or encumbering of the streets, lanes, alleys or public grounds of said town; to plant and protect shade trees; to require persons to fasten or secure horses and other animals attached to vehicles, while standing in said town; to prohibit, prevent and restrain the running at large of horses, hogs, sheep and other animals in said town, and to provide for distraining and impounding the same, and for the forfeiture or sale of the same for any penalty incurred, and to impose penalties

upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs and swine, and to provide for the forfeiture or destruction of the same, when running at large contrary to ordinance; and to prevent the exploding or firing of squibs, rockets, guns, fire arms or other combustibles within the limits of said town.

§ 17. To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies. Fires.

§ 18. To make regulations for the safe keeping of chimneys, flues, pipes and fire places.

§ 19. To regulate the storage of gunpowder, tar, pitch, rosin, spirits of wine, and other combustible materials, and the depositing of ashes.

§ 20. To regulate parapet and division walls and partition fences. Fences etc.

§ 21. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work. Weights and measures.

§ 22. To provide for the inspection and weighing of hay and stone coal and the inspection and measurement of charcoal, firewood and other fuel, to be sold or used in said town.

§ 23. To regulate the inspection of butter, lard and other provisions.

§ 24. To provide for taking enumerations of the inhabitants of the town. Census.

§ 25. To regulate the election of town officers, and to provide for removing from office any person holding office created by this act or by ordinance. Election of officers.

§ 26. To fix the compensation of all town officers and regulate the fees of officers, jurors, witnesses and other persons, for services rendered under this act or any ordinance of said town. Compensation.

§ 27. To regulate the police of the town, to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and for the enforcement of such penalties. Penalties, etc.

§ 28. To regulate, restrain, suppress, distrain or prohibit billiard tables, ball alleys, faro boards, lotteries, horse races and any means of gambling within said town, and within three miles from the limits of the town. Billiards, etc.

§ 29. To regulate, restrain, prevent or prohibit the introduction, keeping for traffic, manufacturing or selling of any vinous, malt, fermented, spirituous, mixed or intoxicating liquors within said town and within three miles from the limits thereof, except for chemical, medicinal and mechanical purposes, and to prohibit and prevent the giving the same away with a view to evade any penalty which Liquors, etc.

may be provided for the unlawful sale of such liquors, within said town or within three miles thereof.

Liquor traffic.

§ 30. To license, regulate and control the introduction, keeping for traffic, and selling, within said town, for chemical, medicinal and mechanical purposes, of any vinous, malt, fermented, spirituous, mixed or intoxicating liquors.

General ordi-
nances.

§ 31. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into operation the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state.

§ 32. The style of the ordinances shall be, "*Be it ordained by the Town of Neponset.*"

Publication of
ordinances.

§ 33. All ordinances passed by the town council shall, within one month after their passage, be published in some newspaper published in said Bureau county, or posted up in three public places in said town; and from and after their publication or posting, as aforesaid, shall be in force; and the certificate of the clerk of said town or a certified copy of said certificate shall be held, in all courts and places, sufficient evidence of such publication or posting.

Proof of ordi-
nances.

§ 34. All ordinances of the town may be proven by the seal of said corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town council, shall be received in evidence in all courts and places, without further proof.

ARTICLE V.

OF THE PRESIDENT.

President.

§ 1. The president shall preside at all meetings of the town council, and shall have a vote in case of a tie, and no other; and, in case of his absence, at any meeting, the council shall appoint one of their number chairman *pro tem.*

Spec'l meetings

§ 2. The president or any two members of the council may call special meetings of the town council.

Enforcement of
laws, etc.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances of the town; he shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be punished; he shall, from time to time, communicate to the council such information and recommend such measures as in his opinion may tend to the general welfare of the town.

Inhabitants to
aid in enforce-
ing laws.

§ 4. He is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the ordinances and laws thereof or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars, recoverable as other fines are recovered in said town.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books or papers or a report of his doings as such officer, and shall have power to do all other acts that may be required of him by any ordinance made in pursuance of this act.

Exhibition of
accounts.

ARTICLE VI.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. The town council shall have power, from time to time, to cause any public square, street, alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot in said town to be filled up; to cause cross and sidewalks, main drains and sewers and private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and regulate the same, and to lay out public squares or grounds, and to grade, improve, protect and ornament any public square, street, alley or other public improvement, now or hereafter established.

Street repairs.

§ 2. The expenses of any improvement mentioned in the first section of this article and costs of proceeding thereon may be collected by general taxation or by assessment upon the real estate in any natural division of said town affected thereby, in proportion to the special benefits resulting to such real estate and the several parts thereof, in such manner as the town council may by ordinance direct.

Expenses.

§ 3. The town council shall have power, upon petition of the owners of two-thirds of the property fronting thereon, and, without such petition, by the unanimous vote of the town council, to open and lay out streets, highways, lanes and alleys or sections thereof, and to alter, widen, construct, straighten, narrow, extend and discontinue the same; but no street, alley or highway or any part thereof shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway. The town council shall cause all streets, alleys and highways or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened, shall be public highways or squares, as the case may be.

Taking private
property for
public uses.

§ 4. Whenever any streets, alley, highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation to be paid to the owners of land for taking the same can not be agreed upon, the town council shall give notice of their intention to appropriate and take the land necessary for the same to the owners thereof, by pub-

Compensation
to owners.

lishing said notice by two insertions in a newspaper published in said county or by posting the same in three public places in said town for ten days; at the expiration of which time they shall appoint three disinterested freeholders residing in said town as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and determine what persons will be benefited by such improvement, and to assess the damages and expenses thereof on the real estate benefited by such improvements, according to the special benefits resulting to said real estate and the several parts thereof, and to report what amount, if any, shall be paid by general taxation. A majority of the members of the town council shall be necessary to a choice of such commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities before entering upon their duties; they shall give at least five days' personal notice of the time and place of their meeting, for the purpose of making their estimates, as aforesaid, which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Assessments.

§ 5. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the actual injury to him, if any, in having such building taken from him, and, secondly, the value of such building to him to remove.

Duties of commissioners.

§ 6. At least five days' notice shall be given to the owner, when known, and a resident of the town, of such determination of the commissioners, which notice may be given personally or in writing left at his usual place of abode. If a non-resident, or unknown, like notice shall be given to all persons interested, by one publication in a newspaper published in said county, or by posting in three public places in said town. Such notice shall specify the buildings, and state the award of the commissioners. It shall also require the persons interested to appear by a day named therein, not exceeding thirty days from the date of the publication of notice, or give notice to the town council of their election, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the town council may direct.

§ 7. If the owner refuses to take the building at its appraised value to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the town council shall have power to direct the sale of such building, at public auction, for cash or on a credit, and give five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use. Refusals.

§ 8. In making their assessment, the said commissioners shall ascertain the value of the land taken, and all the expenses of the improvements and damages occasioned thereby, and shall assess upon the real estate benefited by the improvement according to the special benefits resulting to the said real estate and the several parts thereof, a sum sufficient to cover said amount of damages and expenses, provided said amount does not exceed the whole amount of special benefits; and, in case of such excess, said commissioners shall return, in their report, the amount of such excess to be levied and collected by general taxation. The said assessments, as fixed by said commissioners, shall be paid within such time as the town council shall direct, by the owners of property so assessed, and shall be a lien upon such property from the time of assessment, and be collected, as taxes are collected, by sale of the land or otherwise. The value of the land taken shall be a credit to the owner thereof on the assessment against him for his share of the improvement, and, if more than the assessment, the difference shall be paid him in money before the land is finally appropriated to public use. Said commissioners shall particularly describe the lands and parcels on which their assessments may be made, and make a return of their proceedings to the town council within ten days after its completion. The town council shall provide for the collection, by general taxation, of any excess reported by said commissioners. Expenses of improvements.

§ 9. The clerk of said town shall give ten days' notice, by one publication in any newspaper published in said county, or by posting notices in three public places in said town, that such return has been made, and on the day specified in such notice will be acted upon by the town council, unless objections to the same are made by some person interested. Objections may be heard before the town council, and the hearing may be adjourned from time to time. The town council shall have power, in their discretion, to amend, alter, confirm or annul the assessments, or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered confirming the same and directing the time within which the same shall be paid, and, in default of such payment, that the same be collected as other assessments or taxes in said town are collected. If referred back to the same or other commissioners, the commissioners shall pro- Publication of returns.

ceed, as aforesaid, and make return in like manner; and their said subsequent return shall be acted upon with the same powers by said town council as in the first instance.

Removal of
commissioners

§ 10. The town council shall have power to remove the commissioners, and, from time to time, appoint others in the place of such as may be removed, refuse, neglect or are unable to serve.

Damages, etc.

§ 11. The land required to be taken for the making, opening, widening, straightening or altering any street, alley, lane, highway, public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or, in case such owner or agent can not be found in the town, deposited to his, her or their credit, in some safe place of deposit other than in the hands of the town treasurer; in which case such lands may be taken and appropriated for the purpose required in making such improvements; and such streets, alleys, lanes, highways, public grounds or squares may be opened.

Appeals.

§ 12. Any person legally interested may appeal from any final order of the town council concerning improvements and assessments, as aforesaid, to the same court or courts of said Bureau county which have jurisdiction in cases of appeal from decisions of justices of the peace. Such appeal to be taken in manner similar to appeals from justices of the peace. Said appellate court shall determine such appeal, and confirm, alter or annul the proceedings of said council. Upon trial of the appeal, all questions involved in such proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony to the court, or, upon application of the town council, or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings and judgment, and the appropriate order in the premises shall be entered accordingly. The court shall not set aside the proceedings or final order of the town council for omission or informality, unless injury has resulted therefrom.

Minors.

§ 13. When any owner, known, or other persons having interest in any real estate, against which proceedings shall be had under this act, shall be under legal age, and without a guardian, the judge of any court of record of said Bureau county may, upon the application of the town council, such minor or his next friend, appoint a guardian for such minor, and take security from such guardian for the faithful execution of his duties. And all notices and summons required by this article of this act shall be served upon the guardian of such minor in the same manner as hereinbefore specified; and the final determination of said town council, or court of appeal, in the premises, shall be conclusive upon such minor.

§ 14. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation, and taxes may be levied and collected upon the same for the use and benefit of said town, in such time and manner, not inconsistent with the constitution of this state, as the town council shall by ordinance direct. Subject to taxation.

§ 15. The town council may, by ordinance, direct that the assessment of the county or township assessor of the property in said town shall be deemed and taken as the assessment of said town, and that the clerk of the town shall certify to the clerk of the county court of Bureau county all persons and property taxable therein, with the rate of taxation, and the assessments levied in each year; in which case the same shall be entered and extended by the said clerk of the county court on the tax book of the county or township, and be collected with the county and state taxes for said town; and the same fees shall be paid by said town for actual services herein as may be provided by the revenue laws of this state for similar services. Assessments to be entered and extended.

ARTICLE VII.

MISCELLANEOUS.

§ 1. The town council may have power, for the purpose of keeping in repair the streets, alleys and public grounds of said town, to require every male inhabitant of said town, over the age of twenty-one years, to labor on the streets, alleys and public grounds of said town, not exceeding two days in each year; and any such person failing to perform such labor, when duly notified, shall forfeit and pay to said town the sum of one dollar for each day so neglected or refused: *Provided*, that in lieu of said requirement to labor, the said town council shall have power to impose, levy and collect, in the same manner as other taxes are levied and collected by them, or in such other manner as they shall provide by ordinance, a tax for each year of any sum per taxable inhabitant, in their discretion, not exceeding two dollars upon every taxable inhabitant of said town; and the collector of said tax, appointed by said council, shall have the same power to distrain and sell the property of all such persons refusing or neglecting to pay such tax as is given to township collectors under the revenue laws of this state. Street labor.

§ 2. The inhabitants of said town of Neponset are hereby exempted from working on any road beyond the limits of said town, and from paying any assessment for the same. Exempt'n from road labor.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town; and in all cases where such offenders shall fail, refuse or neglect to pay the fines, forfeitures, penalties and Punishment of offenders.

costs which may be recovered or adjudged against them, it shall be competent for the magistrate or other court before whom the same shall be tried, to direct that such offenders shall be committed to the county jail of said Bureau county, or to the place of confinement provided in said town, as the case may be, until such fines, forfeitures, penalties and costs shall be paid or otherwise discharged by due process of law.

Ordinances to
remain in force

§ 4. All ordinances and laws passed by the present president and trustees of the town of Neponset shall remain in force until repealed by the town council hereby created; and the said president and trustees shall continue in office, and exercise all the powers with which they are now vested, until the town council hereby created shall have been elected and qualified.

Suits at law.

§ 5. All suits, actions and prosecutions instituted or commenced by the corporation hereby created shall be commenced and prosecuted in the name of the "Town of Neponset."

Prosecutions.

§ 6. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Neponset shall be vested in and prosecuted by the corporation hereby created.

Vested property

§ 7. All property, real and personal, belonging to the president and trustees of the town of Neponset, for the use of the inhabitants of said town, shall be and is hereby declared to be vested in the corporation hereby created.

Not invalidate.

§ 8. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Neponset, nor divest them of any rights under the general laws relating to the incorporation of towns which have accrued prior to the passage of this act, and do not conflict with the provisions of this act.

Appeals—how
taken.

§ 9. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the circuit court of Bureau county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from justices of the peace to the circuit court, in similar cases, under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without other security, and an order entered upon the records of said town council directing said appeal or approving the same shall be sufficient evidence of authority to sign said bond.

Power of town
officers.

§ 10. The town marshal, constable, or any other officer, authorized to execute writs or any other process issued by the police magistrate or any justice of the peace of said town, shall have power to execute the same anywhere

within the limits of the county of Bureau, and shall have the same powers to execute any process issued by any justice of the peace of said county, and be entitled to the same fees as are allowed to constables in similar cases.

§ 11. The town council may, in their discretion, provide, by ordinance, for the election, by the inhabitants of said town, of such town officers as they may deem it advisable to have so elected. Election of officers.

§ 12. All fines and penalties recoverable by indictment or action for any offenses committed within the limits of said town, and which are now required by law to be paid to the county treasurer or to the school commissioner of said county, shall hereafter be paid to the treasurer of said town for the use of said town. Disposition of fines, etc.

§ 13. This act shall be deemed a public act, and may be read in evidence in all courts and places, without proof, and shall be in force from and after its passage. Evidence of act

APPROVED February 25, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Girard, approved February 14, 1855.. In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Girard, in the county of Macoupin, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Girard," and by that name shall have perpetual succession, and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require. Corporators.
Name and style.
Powers.

§ 2. The boundaries of said town shall be as defined by the last ordinances of the board of trustees thereof, and the said ordinances are in that respect legalized and confirmed; and whenever any tract of land adjoining said town is laid off into town lots, and recorded, the same shall be attached to and form a part of the same. Boundaries.

§ 3. The government of said town shall be vested in a president and four trustees; the said president and trustees to be elected annually by the qualified voters of said Government.

town; and no person shall be president or trustee unless at the time of his election he shall have resided in said town for the space of six months, twenty-one years of age, and a citizen of the United States; and upon his removal from said town he shall vacate his office.

Trustees.

§ 4. The board of trustees shall determine the qualification of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Rules of proceedings.

Oath of office.

§ 5. The president and each of the trustees shall, before entering upon the duties of their offices, take an oath to perform the duties of their office to the best of their knowledge and abilities; and there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

Elections.

§ 6. On the first Monday in the month of April, A. D. 1867, and on the first Monday in April in each year thereafter, an election shall be held in said town for one president and four trustees, who shall hold their offices for one year, and until their successors are elected and qualified; which election shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the results, and furnish each of the persons elected a certificate of his election; certify the votes for police magistrate when elected to the clerk of the county court, and lay the poll books of such election before the board at its first meeting. If two or more persons shall receive an equal number of votes for any office, the board shall proceed to determine the same by lot. All contested elections and all subsequent elections shall be determined as may be prescribed by ordinance.

Judges—clerks.

Qualifications of voters.

§ 7. All free white inhabitants of said town shall be entitled to vote for town officers, and who shall have resided in said town one month next before any such election, and who are qualified to vote for county and state officers.

§ 8. The police magistrate shall be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, and all the provisions of said act are hereby declared applicable to the officer provided for by this act.

§ 9. The president and trustees shall have power and authority to levy, assess and collect a tax on all property, real, personal and mixed, in said town, which is now or

may hereafter be subject to taxation for state or county Taxes. purposes, not exceeding one per centum per annum upon the assessed value thereof; and may assess and enforce the Assessment. collection of the same by any ordinances, not repugnant to the constitution of the United States, or the said president and trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector.

§ 10. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give the clerk or other officer whose duty it is by law to extend the tax by existing laws notice of their intention so to do, (which notice shall be a copy of their records,) and also the rate of taxation; and, upon the receipt of such notice, said tax shall be extended and collected, and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance. Adopting the state and county rate of. Proviso.

§ 11. The said board shall have power to appoint a Town officers. clerk, town constable and assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act and to require them to give such bonds, with such security, and take such oaths as may be judged necessary to insure the faithful performance of their respective duties; and shall have power to appropriate money and provide for the payment of the debts and expenses of the town; to Miscellaneous provisions. make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same; to open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in repair streets, alleys and lanes in said town; and erect, maintain and keep in repair bridges; to provide for the erection of all needful buildings for the use of said town; and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town; to licence, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating-houses, peddlers, brokers and money changers, and to license the sale of intoxicating drinks: *Provided, however*, that no such license shall be granted for a less sum than three hundred dollars per annum, or at that rate for a shorter time, and subject to such restrictions as the said board may deem expedient to dictate; to license, tax and regulate theatrical and other exhibitions, shows and amuse-

Miscellaneous
provisions,
regulations,
etc.

ments; to restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses; and to suppress all riots, affrays, assaults, assaults and batteries, drunkenness, quarreling, open and notorious lewdness or other public indecency; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate partition fences, and to provide for the inspection and weighing of hay and stone-coal, and for the measurement of wood and fuel to be used in said town; to regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances; to fix the fees and compensation of all town officers, jurors, witnesses and others for services rendered under this act or any ordinance; to impose fines, penalties and forfeitures for breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties; to prevent the encumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or inclosed lot; to prevent the running at large of horses, cattle, hogs, sheep or other animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance; to prevent the firing of squibs, rockets, guns, and other combustibles or fire-arms within the limits of said town; and no prosecution or conviction for any offense under the laws of this state shall be a bar to prosecutions for fines, penalties or forfeitures for the breach of any ordinance of said town.

Ordinances.

§ 12. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state or that of the United States.

Style of.

The style of the ordinances of the town shall be: "*Be it Ordained by the President and Trustees of the Town of Girard;*" and all ordinances shall be published within one month after they are passed, either in some newspaper or by posting copies of the same in four public places in said town; and the certificate of the publishers of such paper, or of the clerk of the board, under the seal of the corporation shall be *prima facie* evidence of such publication, no ordinance shall take effect until published as aforesaid.

Evidence of.

Proof of.

§ 13. All ordinances may be proven by the seal of the town and when printed or published in book or pamphlet

form, and purporting to be printed or published by authority of the corporation the same shall be received as evidence in all courts and places without further proof.

§ 14. The president of the board shall preside at all meetings of the board when present, and, in case of his absence at any meeting, the board may elect a temporary chairman. He shall, at all times, be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot, to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall fail or refuse to obey such call, shall forfeit and pay to said corporation, the sum of five dollars.

Meetings of the board.

Duties of president.

§ 15. The president and trustees shall have power by ordinance, to levy, assess and collect a special tax on the holders and owners of lots upon any street, square, lane or alley, or upon any part of any street, square, lane or alley, according to their respective fronts owned by them, for the purpose of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of the ninth and tenth sections of this act, or as may be provided by ordinance.

Special tax.

§ 16. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, lanes, alleys, avenues and highways, three days in each year, and every person failing or refusing to perform such road labor, after being notified as may be provided by ordinance, shall forfeit and pay any sum not exceeding two dollars per day, for each day so neglected and refused.

Road labor.

§ 17. The president and board of trustees, shall have power to provide for the punishment of the offenders against any ordinance, in the county jail, or in any secure place of confinement in said town, that may be provided by the said president and board of trustees, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Offenders.

§ 18. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax, levied by the authority of the county court, and the entire jurisdiction and control of the roads, highways and bridges in said town, shall be held and exercised by the president and trustees as aforesaid.

Exemption from road labor.

§ 19. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt, before the police magistrate, or, in

Recovery of fines, etc.

Proviso.

case of his absence or inability to act, before some justice of the peace of said town; and changes of venue and appeals shall be allowed in cases commenced before the said police magistrate as in other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order, entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Town constable

§ 20. The town constable shall be appointed by the president and board of trustees, and he shall have power and authority to execute all process issued for the breach of any ordinance of said town, and, for that purpose, his power and authority shall extend over the county of Macoupin, and shall have the same power, jurisdiction and authority, within the limits of said town, as other constables, under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

Suits for fines and penalties.

§ 21. All suits for fines and penalties in and for the violation of any ordinance shall be in the name of the town of Girard; and the said corporation shall have power to regulate, by ordinances, the form and nature of all process and the mode of executing the same.

Survey of town.

§ 22. The president and board of trustees shall have power, at any regular meeting of the board, to employ a competent surveyor to re-survey the town of Girard and as many of the additions thereto as the public interest may seem to require, and shall cause substantial corner stones to be planted at one corner of each block, in said town and additions; but said surveyor shall not have power to alter size of lots or blocks or alter width of streets and alleys; and said surveyor shall make a plat of his survey, and cause the same to be recorded in the circuit clerk's office; and the president and board of trustees shall lay a tax upon the lots in said town and additions, for defraying the expenses of said survey and record.

§ 23. So much of the act to which this is an amendment as in anywise conflicts with or is inconsistent with this act is hereby repealed.

§ 24. This is declared to be a public act, and shall take effect from and after its passage.

APPROVED February 22, 1867.

AN ACT to incorporate the town Dawson.

In force March
9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Dawson, in the county of Sangamon, and state of Illinois, be and they are hereby constituted and declared a body politic, and corporate by the name and style of "The Town of Dawson;" and, by that name, shall have perpetual succession; and may have use a common seal, which they may change or alter at pleasure.

Name and style.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said town, and to purchase, receive and hold property, both real and personal beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, both real and personal, for the use of said town, and to protect and improve any such property, as the public good may require.

Powers.

§ 3. The boundaries of said town of Dawson shall be as follows: The north-west quarter of section eight, and south-west quarter of section eight, and the north-east quarter of section seven, and also the south-east quarter of seven—all in township number sixteen north, range three west of the third principal meridian line, and all additions that may hereafter be added to said town.

Boundaries.

§ 4. The government of said town shall be invested in a town council, which shall consist of a mayor and four aldermen, to be chosen, annually by the qualified voters of said town, and who shall hold their offices for one year, till their successors are elected and qualified.

Town council.

§ 5. No person shall be a member of the town council unless he shall be at the same time of, and shall have been a resident for six months next preceding his election a resident of the town, and shall at the time of his election be twenty-one years of age, a citizen of the United States, and *bona fide* freeholder within the limits of the corporation.

Eligibility

§ 6. If any member of the town council shall, during the term of his office, remove from the limits of the corporation his office shall thereby become vacant.

Removal.

§ 7. The town council shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be prescribed by ordinance.

President.

§ 8. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed

Quorum.

by ordinance, and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Journal:

§ 9. The town council shall keep a journal of its proceedings, and shall have power to fill all vacancies which may occur therein, by death, resignation or otherwise.

Oath of office,

§ 10. Each member of the town council before entering upon the duties of his office, shall take and subscribe an oath, before any person authorized by law to administer oaths.

Tie vote.

§ 11. Whenever a tie shall occur in the election of members of the town council, the judges of the election shall certify the same to the police magistrate of the town, who shall determine the same, by lot, in such manner as may be prescribed by ordinance.

Elections.

§ 12. On the first Monday of April next an election shall be held in said town of Dawson, for the election of the five members of the town council, of said town, and forever after, on the first Monday in April of each year, an election shall be held for said officers.

§ 13. On the first Monday in April next, there shall, also, be elected, at the same time and place, one police magistrate of the town of Dawson, who shall hold office for four years, and whose jurisdiction, powers, duties, functions and emoluments, shall be the same as is provided for in "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854.

§ 14. Ten days' notice of the first election under this act shall be given by Dr. Chas. H. Norred, J. Billington, J. Shankland, James H. Matheny, or by four other qualified voters of the town, who shall also prescribe the manner in which elections shall be conducted.

Qualifications of voters.

§ 15. All persons who are entitled to vote for state officers by the laws of this state and who shall have been actual resident of said town, thirty days next preceding any election held under the provisions of this act, shall be entitled to vote at any such election.

Assessments.

§ 16. The town council shall have the power and authority to levy and assess, and collect a tax or taxes upon all property, real, personal and mixed, within the limits of the corporation, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per cent. per annum, upon the assessed value thereof, and may assess and enforce the collection of the same by ordinance; or said town council may proceed to collect under and in accordance with the provisions of "An act to amend the charters of the several towns and cities in this state," approved March 1, 1854.

Appointments.

§ 17. The town council shall have power to appoint a clerk, treasurer, assessor, town constable, and street com-

missioner, and all such other officers as may be judged necessary for carrying into effect the power conferred upon said corporation by this act, and to require them to give such bonds, with security, and to take such oaths as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same, and who shall possess the same qualifications as is required of a member of the town council.

§ 18. Also, to appropriate moneys, and provide for the payment of the debts and expenses of the town. Debts, etc.

§ 19. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent and remove or abolish the same. General health.

§ 20. To open, abolish, alter, widen, extend, establish, grade, pave, plank or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges, drains and sewers. Alterations.

§ 21. To provide for the erection of all needful public buildings for the use of the town; to establish markets and and market places, and for the government and regulation thereof; and to provide for the inclosing, laying off and improving all public grounds, squares and burial grounds belonging to said town. Needful build-
ings.

§ 22. To provide for the protection and improvement of all public buildings owned by said town.

§ 23. To regulate partition fences.

§ 24. To license, regulate and tax auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers; but shall have no power to license the sale of intoxicating drinks contrary to or inconsistent with any law of this state. Licenses.

§ 25. To regulate or prohibit the sale of intoxicating, malt and fermented liquor; to restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses within said town or within two miles of the limits thereof. Liquor traffic.

Disorderly
houses.

§ 26. To license, tax and regulate theatrical and other exhibitions, shows or other amusements; to provide for the trial and punishment of persons who may be engaged in assaults and batteries and affrays within the corporate limits of said town. Exhibitions.

§ 27. To regulate the election of town officers, define their duties, and provide for the removal of any person holding any office created by ordinance. Elections.

§ 28. To fix the fees and compensation of town officers, jurors, witnesses and others for services rendered under the provisions of this act. Compensation.

§ 29. To prevent the encumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals Encumbrances.

Animals at large

attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town : to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals for the violation of any ordinance in relation thereto.

Disturbances.

§ 30. To prevent the running at large of dogs, and to provide for the destruction of the same when at large contrary to the provisions of ordinance in such cases made.

Fines.

§ 31. To provide for the punishment of persons who may at any time distract or disturb the peace of the inhabitants of said town or the deliberations or proceedings of any public meeting of said inhabitants or of the town council when in session.

Necessary ordinances.

§ 32. To regulate the police of the town, to impose fines, penalties and forfeitures for the breach of any ordinances, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalty : *Provided*, that in all cases the right of trial by jury shall be allowed to any person or persons charged with the breach of any of the provisions of this act, or any ordinance made in pursuance thereof.

§ 33. The town council shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require.

§ 34. The style of the enacting clause of the ordinances of the town, shall be "*Be it ordained by the Town Council of the Town of Dawson*;" and all ordinances shall, within one month after they are passed, be made known, by posting up copies of the same in four public places in said town; and the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and its publication, and no ordinance shall take effect until made known, as aforesaid.

Proof of

§ 35. All ordinances may be proven by the seal of the corporation, and when published or printed in book form or pamphlet form, and purporting to be printed or published by authority of the town of Dawson, the same shall be received as evidence in all courts of law or equity, and in all places, without further proof.

Acting mayor.

§ 36. The mayor shall preside at all meetings of the council, when present; and in case of his absence at any meeting, the council shall appoint of their number a chairman, who shall preside at that meeting. The mayor or any two members of the council, may call special meetings of the same.

Duties of mayor.

§ 37. The mayor shall be active and vigilant in enforcing the laws and ordinances for the government of the town;

he shall inspect the conduct of all subordinate officers, and cause negligence and willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance; and any and every person who shall fail or refuse to obey such call, shall forfeit and pay to said town the sum of ten dollars.

§ 38. He shall have power, whenever he may desire or deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act. Inspection.

§ 39. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willtully and corruptly be guilty of oppression, malconduct or partiality in the discharge of his office, he shall be liable to indictment in the circuit court of Sangamon county, and, on conviction, shall be fined in a sum not exceeding two hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office. Neglect of duty.

§ 40. The town constable appointed under the provisions of this act, shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his powers and authority shall extend over the county of Sangamon, and shall have the same power, jurisdiction and authority within the limits of said county, as other constables in all cases, under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe. Constable's powers, etc.

§ 41. The said constable shall be authorized to arrest all persons on view, without warrant, who shall violate any of the provisions of this act, or any of the ordinances of said town, made in pursuance thereof, and take him, her or them before the police magistrate of the town, to be tried and punished as may be prescribed by ordinances.

§ 42. In case of the absence, or inability or refusal to act of said police magistrate, or said constable, any justice of the peace having an office in said town, or any constable of said county of Sangamon, shall have power and authority to hear and determine all cases which may arise under the ordinances of said town, or to execute all process and writs which may be issued, in the same manner and like effect as the magistrate and constable of said town herein provided for. Inability to act.

§ 43. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace, and the said corporation shall be allowed to appeal in any case in which they Change of venue

Bond. are parties, by causing their secretary or clerk to execute a bond in the name of the incorporation, in the form now, or which may hereafter be furnished by law in other cases, without other security, and an order entered upon the records of said corporation directing said appeal, shall be sufficient evidence of the authority of such security to sign said bond.

Police magistrate — failure to elect. § 44. In all cases of failure to elect a police magistrate, as provided for in this act, or in case of death, removal or resignation of said magistrate, the town council shall order a special election to fill such vacancy, under such regulations as they may by ordinance provide.

Private property. § 45. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town, the corporation shall make just compensation to the owner or owners of said property, and pay or tender the same, before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon, the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the said police magistrate of said town, for that purpose.

Jurors' duties. § 46. The said jurors so empaneled to ascertain the damages which shall be sustained by the opening or altering of any street or alley, by any person or persons so owning property, shall first be sworn to that effect by said magistrate, and shall return to him their inquest, in writing, signed by each juror, and by him laid before the town council, at their first meeting thereafter; and either party may appeal therefrom to the circuit court of Sangamon county, in such manner and on such terms as may be prescribed by ordinance.

How conducted § 47. In the assessment of such damages, the jury shall take into consideration the benefits as well as the injuries happening to the owner or owners of property proposed to be taken for opening or altering a street or alley, by such opening or alteration.

Benefits. § 48. The town council shall have power to levy and collect a special tax on the owners of the lots on any street or part of a street, according to their respective fronts, for the purpose of grading, paving, planking, or otherwise, the sidewalk on said street or part of street. The lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expenses of making such sidewalk, in addition to the regular tax, which shall be assessed and collected in the same manner as other taxes.

Special tax for repairs. § 49. The inhabitants of the town of Dawson are hereby exempted from working on any road beyond the limits of said corporation, and the payment of any road tax levied by authority of the county court, or other authority; and the entire jurisdiction and control of the roads, highways

Exemption.

and bridges in said town shall be held and exercised by the town council, by this act provided for.

§ 50. The town council, for the purpose of keeping the Street labor. streets, alleys, lanes, avenues and highways in said town in repair, are authorized and empowered to require every able-bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys, lanes, avenues and highways, any number of days, not exceeding six days in each year; and any person failing to perform such labor when duly notified by the street commissioner, or other authorized officer of said town, shall forfeit and pay the sum of two dollars for each and every day's labor so neglected and refused to said town.

§ 51. The town council shall have power to provide for Punishment. the punishment of offenders against any ordinances of said town, by imprisonment in the county jail, not exceeding thirty days for any one offense, in all cases where such offenders shall fail or refuse to pay the fine or forfeiture which may be recorded against them.

§ 52. All suits for fines and penalties in and for the violation of any ordinance, shall be in the name of "The Town of Dawson," and the town council shall have power to regulate, by ordinance, the form and nature of the first and subsequent process, and the mode of exercising the same. Suits and prosecutions.

§ 53. The corporation hereby created shall not be required, in any suit brought for a violation of any ordinance of said town, to file, before the commencement of any such suit or during the pendency thereof, any security for costs. Security—costs.

§ 54. Any failure to elect officers on the day fixed by this act, shall not invalidate or work a forfeiture of the elective portion of the town, but the town council may proceed in such case for the holding of such election at some other town. Invalidation.

§ 55. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without further proof. Validity of act.

§ 56. This act shall be in force and take effect from and after the —, 1867.

APPROVED March 9, 1867.

AN ACT to incorporate the town of Marine, in the county of Madison, and In force March 8, 1867. state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Marine, in the county of Madison, and state of Illinois, be and they are hereby constituted and*

Name and style.	declared a body politic and corporate, by the name and style of "The Town of Marine;" and, by that name, have perpetual succession, and use a common seal, which they may alter at pleasure.
Corporate powers.	§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, both real and personal, for the use of the town, and to protect and improve any such property, as the public good may require.
Boundaries.	§ 3. The boundaries of said town of Marine shall be as follows, to-wit: To begin at the north-west corner of the south half of the south-east quarter of section seventeen; thence, running one mile east, to the north-east corner of the south half of the south-west quarter of section sixteen, thence, one mile south, to the south-east corner of the north half of the south-west quarter of section twenty-one; thence, one mile west, to the south-west corner of the north half of the south-east quarter of section twenty, and thence, one mile north, to the beginning. All additions to said town, hereafter made, according to law, shall be included in said corporation limits.
Government.	§ 4. The government of said town shall be vested in a town council, which shall consist of a president and four trustees, to be chosen, annually, by the legal voters of said town, and who shall hold their offices for one year and until their successors shall be elected and qualified.
Eligibility to membership.	§ 5. No person shall be a member of the town council unless he shall be, at the time of and shall have been for one year next preceding his election, a resident of the town, and shall be, at the time of his election, twenty-one years of age, a citizen of the United States, and have paid a tax in the year preceding his election on either real or personal property in the town of Marine.
Removal.	§ 6. If any member of the town council removes from the limits of the corporation, during the term of his office, said office shall become vacant.
Qualifications.	§ 7. The town council shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be prescribed by ordinance.
Quorum—absentees.	§ 8. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members under such fines and penalties as may be prescribed by ordinance, and shall have the power to determine the

rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of four-fifths, expel a member.

§ 9. All vacancies that may occur, by reason of removal, resignation, death, or otherwise, of any one of the town council, the remaining members shall give ten days' notice, by posting at least three written or printed advertisements in three public places in said town for the election to fill such vacancies, in the same manner as prescribed for in regular elections. Vacancies.

§ 10. The town council shall keep a journal of their proceedings, and shall have power to appoint and compensate a clerk, whose duties shall be prescribed by ordinance. Journal.

§ 11. Each member of the town council, before entering upon the duties of his office, shall take and subscribe an oath before any person authorized by law to administer oaths, that he will support the constitution of the United States and of this state, and that he will truly perform the duties of his office to the best of his knowledge and ability. And such council shall meet at such times and places as may be prescribed by ordinance. Oath of office.

§ 12. All white male inhabitants of and over the age of twenty-one years, who shall have been *bona fide* residents of said town for thirty days next preceding any election, and who shall, during twelve months preceding any election to be held, have paid a tax on either real or personal property, or have paid a road tax, in the town of Marine, shall be entitled to a vote at any municipal election by reason of this charter. Qualifications of voters.

§ 13. On the first Monday in April next, an election shall be held in said town of Marine, for the election of five members of the town council of said town; and, forever after, on the first Monday in April of each year, an election shall be held for said officers. Election.

§ 14. This charter shall be submitted to a vote of the legal voters of said town of Marine, residing within the limits of the proposed corporation, on the fourth Saturday in March next; and if adopted by a majority of the votes cast it shall become a law from the time it is adopted. Notice of the time and place shall be given by posting at least three written or printed notices in public places of said town of Marine, at least five days previous and not exceeding ten days of said election: *Provided, further*, that if a majority at said election shall not vote in favor of accepting this act thirty legal voters, residing within the limits of said proposed corporation, may call another election, by posting three notices for said election in three public places, giving at least five days' and not exceeding ten days' notice thereof; which said election shall be conducted as prescribed in this charter. The polls of this election shall be opened at one o'clock P. M., and be kept open until five o'clock, of the Adoption of act to be voted on.

same day. The legal voters of said town who are present at the time of opening the polls shall appoint three judges and a clerk, to act at such election. And if this charter is adopted said judges and clerk shall make a certificate of the same and file it in the clerk's office of said county of Madison.

Assessments.

§ 15. The town council shall have power and authority to assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half of one per cent. upon the assessed value thereof; and if, at a special election held for this purpose, a majority of the voters so decide may assess and enforce the collection of the same by any ordinance, not repugnant to the constitution of this state and the United States; also, to appropriate money and provide for the payment of debts and expenses of the town. The assessment of the taxable property of said corporation, for its use, shall be the same as that made by the county assessor—a copy of which is to be procured by the clerk of the council, at the expense of the town.

Debts, etc.

§ 16. The town council shall have no power to contract interest-bearing debt whatever, unless a majority of the voters shall so decide at a special election, held for this purpose.

Appointment of officers.

§ 17. The town council shall have power to appoint a town attorney, auditor, treasurer, one or more street commissioners, collectors, and such other officers as they may deem expedient, and to require them to give such bonds and security, as may be deemed necessary, to insure the faithful performance of their respective duties, before entering upon the discharge of the same. Either of the duly elected and qualified constables of the Marine district shall be authorized to act as town constable.

General health.

§ 18. The town council shall have power to make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and to prevent, or, if at the next election a majority of the voters approve such decision, remove the same.

Alterations of streets.

§ 19. To open, abolish, alter, widen, extend, establish, improve and keep in repair roads, streets, alleys and public grounds, in said town and one mile beyond the corporation limits on the north and east side of the said limits, and erect, maintain and keep in repair, bridges, drains and sewers. For this purpose they shall have power to require every male inhabitant of said town, over the age of twenty-one years, to labor on said streets, roads and alleys from two to four days in each year; and every person failing or refusing to perform such road labor shall forfeit and pay into the town treasury one dollar and twenty-five cents per day for each day so neglected or refused.

Road labor.

Sidewalks.

§ 20. The town council shall have power to make pavements or sidewalks in said town as to them may seem

needful: *Provided, always*, that the lot in front of which any sidewalk is made shall be taxed to pay in proportion to the benefits accruing to said property, the expenses of said sidewalk.

§ 21. The town council shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings and assemblages, and to punish persons for making loud or unusual noises, or for disturbing persons assembled at religious or other meetings in said town, for which purpose the town council may make such by-laws and ordinances not inconsistent with the laws of the state as they may deem necessary or expedient to carry the provisions of this act into effect and to impose fines for the violation thereof, which fine shall be recovered before any justice of the peace in said town.

Indecent exposures.

Punishments

§ 22. To erect needful buildings for the use of the town and to improve and protect public property.

Buildings.

§ 23. To license, tax and regulate auctioneers, dram shops, wine, beer and ale houses, peddlers, theatrical performances, shows and other exhibitions.

Licenses.

§ 24. Persons selling spirituous or vinous liquors, or any composition thereof, or spirits, wine, cider, beer or ale, within the corporate limits of said town, in less quantities than one gallon, without a proper license, shall be fined ten dollars for each offense, as now provided in the statute of this state, and the same may be collected on complaint before any justice of the peace or other proper court in the town of Marine: *Provided, always*, that all persons shall have the right of trial by jury.

Liquors.

§ 25. The town council shall have power to provide for the punishment of offenders against the ordinances of said town by fines, forfeitures or penalties, and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures or penalties and costs which may be recovered or adjudged against them, it shall be competent and proper for the justice of the peace or of the court before whom the same shall be tried, to direct that such offenders shall be committed to the county jail until such fines, forfeitures or penalties and costs shall be paid, or otherwise discharged by due process of law.

Payment of fines.

§ 26. The town council shall have power to suppress gaming houses, bawdy houses and other disorderly houses, and to provide for the trial and punishment of persons who may be engaged in assault and batteries, and affrays within the corporate limits of said town.

Gambling.

§ 27. To fix the fees and compensation of town officers and others for services rendered, under the provisions of this act.

Compensation.

§ 28. To prevent encumbering of streets, alleys and public grounds of said town; to protect shade trees; to

Encumbrances.

compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, public square or uninclosed lot of said town.

Disposition of
fines, etc.

§ 29. All fines, penalties or forfeitures collected for violations against the ordinances of said town; and, also, all licenses and taxes collected under the provisions of this charter, shall be paid into the treasury of said town and appropriated for the benefit of said town.

Exemption from
road labor.

§ 30. The inhabitants of said town shall be exempt from the performance of any road labor and the payment of road tax, levied by authority of the county court, and the entire jurisdiction and control of the roads, highways and bridges in said limits as above described, shall be held and exercised by the president and board of trustees of said town.

Necessary ordi-
nances.

§ 31. The town council shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require, so that such ordinances may not be repugnant to nor inconsistent with the constitution of the United States and this state.

Style of ordi-
nances.

§ 32. The style of the ordinances of the town shall be, "*Be it ordained by the President and Council of the Town of Marine,*" and all ordinances shall, within one month after they are passed, be published by posting four written or printed notices at four public places within the limits of said town, or in some newspaper printed in said town or county; if none are published in said town, and the certificate of the publishers of said newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication; but no ordinance shall take effect until after five days' of its publication.

How proven.

§ 33. All ordinances may be proved by the seal of the corporation, and when published or printed in book or pamphlet form, and purporting to be printed or published by authority of the town of Marine, the same shall be received as evidence in all courts of law and equity, and in all places, without further proof.

Exemptions.

§ 34. All persons owning farms within the corporation limits shall be exempt from corporation tax on such land, excepting ten acres; and in all cases where there are buildings on farms inside the corporation, the assessment for corporation taxes shall be made on that portion containing the buildings and most valuable improvements.

Duties of presi-
dent.

§ 35. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers and cause negligence and willful violation of duty to be punished. He shall have power and authority to call

upon all male inhabitants of said town over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance not repugnant to the constitution of the United States or of the state of Illinois; and any and every person who shall fail or refuse to obey such call, shall forfeit and pay into the treasury of said town the sum of ten dollars.

§ 36. The president shall preside at all meetings of the council when present, and in case of his absence at any meeting, the council shall appoint one of their number chairman to preside at that meeting. The president or any two members of the council may call special meetings of the same. Absentees.

§ 37. The president, or any member of the council, shall have access to the books and papers of any subordinate officers. Spec'l meetings
Access to books

§ 38. The president and the town council shall be entitled to one dollar per day for their labors as such. Compensation.

§ 39. The town constables, appointed under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose their power and authority shall extend over the county of Madison, and shall have the same power and authority within the limits and jurisdiction of said town as other constables have under the laws of this state, and shall give bond and qualify as the said board by ordinance shall prescribe. Constable.
Powers.

APPROVED March 8, 1867.

AN ACT to incorporate the town o. Lamoille.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the village of Lamoille, in the county of Bureau and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The Town of Lamoille;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may alter and change at pleasure. Name and style.

§ 2. The boundaries of the said town shall include within their limits all that district of country composed of the southeast quarter, east half southwest quarter, southeast northwest and south half northeast quarter of section twenty-four (24), and northeast northwest quarter and north half northeast quarter of section twenty-five (25)—all in township (18) eighteen north, of range (10) Boundaries.

ten, east of the (4th) fourth principal meridian ; also the southwest northwest quarter section nineteen (19,) and west half southwest quarter of section nineteen (19,) and northwest northwest quarter of section thirty (30,) in township eighteen (18) north, range eleven (11) east of the fourth principal meridian. And the town council shall have the power to extend the limits of said town, by ordinance, so as to include any tracts of land adjacent to the above described limits, with the consent of the owners of the land so to be included.

Corporate
powers.

§ 3. The inhabitants of said town, within the limits aforesaid, with the name and style aforesaid, shall have the power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever ; to purchase, receive and hold property, real and personal, in said town, and beyond the limits of said town, for burial grounds and other public purposes, for the use of said town, and to sell, lease and improve property, real and personal, for the benefit of said town, and do all things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL.

Council.

§ 1. The government of said town shall be vested in a town council, consisting of a president and four trustees ; two of the said trustees to be elected annually by the qualified voters of said town. And no person shall be a member of the town council unless he shall be at the time of and shall have been six months immediately preceding his election a resident of the town, a *bona fide* freeholder at the time of his election, over twenty-one years of age, and a citizen of the United States ; and upon the removal of any member of the town council from the town his office shall thereby be vacated.

Election of officers.

§ 2. The town council shall judge of the qualifications, elections and returns of its own members ; shall determine contested elections for any offices created by this act, and decide in case of a tie occurring in such elections. A majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may, by ordinance, be prescribed. It shall have power to determine the rules of its own proceedings, and punish members for disorderly conduct in such a manner as may be prescribed by ordinance. It shall keep a journal of its proceedings and, from time to time, publish the same.

Meetings.

§ 3. There shall be at least four stated meetings of the town council in each year, at times and places to be determined by ordinance ; and vacancies in the town council shall be filled in such a manner as it shall appoint.

§ 4. Each member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

ARTICLE III.

§ 1. The boundaries of the town of La Moille shall constitute a district for the election of one police justice and one town constable, who shall be elected by the qualified voters of said town at the same time and place at which the trustees are elected, and who shall hold their offices for two years and until their successors are elected and qualified, and shall possess the same qualifications required of members of the town council in the first section to article second of this act; and upon the removal of either from the town his office shall be vacated; and the election for said justice and constable shall be conducted and the returns thereof made in the same manner as the elections and returns of other justices of the peace and constables; but shall be conducted by the same judges as the election of trustees. Town officers.

§ 2. The said police justice shall be, *ex-officio*, president of the town council, and shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and, as such, shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages, and other instruments of writing, and certify the same as other justices of the peace, or under the seal of said town, and shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and shall have jurisdiction, power and authority concurrent with other justices of the peace; but shall have such jurisdiction extended to all cases where the amount in controversy, claim or demand does not exceed the sum of one hundred dollars, in all suits, actions and causes of a nature properly within the jurisdiction of justices of the peace, according to the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace. Police magis-
trate.

§ 3. In all suits and actions before said police justice and in all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace; and the corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of the corporation, in the form now or which may be hereafter furnished by law in other cases, without other security; and an order entered upon the records of said corporation, Suits at law.

directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bond.

Change of venue.

§ 4. In all cases where a suit or action is removed from said police justice, by change of venue, as now provided by law, the justice of the peace before whom said suit or action is thus taken by change of venue, shall have special jurisdiction co-extensive with said police justice to hear and determine the same.

Penalties, etc.

§ 5. In case the police justice shall at any time be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Bureau county, and on conviction, shall be fined in a sum not exceeding two hundred dollars and removed from office.

Constable.

§ 6. The town constable elected under the provisions of this act shall be, *ex-officio*, collector of the corporation taxes of said town, and shall have power and authority to execute the processes issued for the breach of any ordinance of said town, and for that, his power and authority shall extend over the county of Bureau; and shall have the same power, jurisdiction and authority within the limits of said county, as other constables in all cases possess under the laws of this state, and within said limits shall have special jurisdiction and authority to serve, execute and obey all writs, processes and executions issued by the police justice of said town, and all arising from or growing out of suits or actions begun before and within the jurisdiction of said justice, and shall give bond and qualify as the said town council shall by ordinance prescribe.

Arrests.

§ 7. The said constable shall be authorized to arrest all persons, on view, without warrant, who shall violate any of the provisions of this act or any of the ordinances of said town made in pursuance thereof, and take him, her or them before the police justice of said town, to be tried and punished as may be prescribed by ordinance.

Refusal to act.

§ 8. In case of the absence or inability or refusal to act of the said police justice or constable, any justice of the peace having an office in said town or any constable of said county of Bureau shall have power and authority to hear and determine all cases which may arise under the ordinances of said town or execute all processes and writs which may be issued, in the same manner and with like effect as the police justice and constable of said town herein provided for.

ARTICLE IV.

ELECTIONS.

Elections.

§ 1. On the first Monday in March, A. D., 1867, an election shall be held for the four trustees hereinbefore provided

for, who shall hold their offices as follows, viz: two trustees for the term of two years, and the other two for the term of one year—to be determined, by lot, at their first meeting; and on the first Monday in March, annually, forever thereafter, there shall be elected two trustees who shall hold their offices for two years; all of whom shall hold their respective offices until their successors are elected and qualified; also, at said election, on the first Monday in March, A. D., 1867, and, biennially, forever thereafter, shall be elected the police justice and constable hereinbefore provided for.

§ 2. Public notice shall be given of the time and place of holding the first election under this act, by posting up written or printed notices in three public places in said town at least ten days before said election. And the following persons: C. H. Bryant, O. C. Wood, W. B. Howard, Enoch Pratt and Solomon T. Roth, or any of them, are hereby appointed to give notice of and conduct the first election to be holden under this act; and shall first be sworn by some officer having authority to administer oaths for general purposes under the statutes of this state faithfully to discharge their duties under this law; and shall have full power to act as judges of such election or to appoint others to act as judges and clerks of said election, and, after said election, shall furnish each of the persons then elected a certificate of his election, and cause the returns of said election to be made out and delivered to the clerk of the county court of Bureau county; and the said returns shall be filed by said clerk as a record of such election; and all subsequent elections shall be conducted as shall be provided by ordinance of the town council by this act created.

Notice of election.

§ 3. All persons who are entitled to vote for state officers and who have been actual residents of said town six months next preceding said election, and no others, shall be entitled to vote for said officers.

Qualified voters.

ARTICLE V.

LEGISLATIVE POWERS.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half per centum per annum upon the assessed value thereof, on all lots and improvements, real and personal property, and to tax public shows and houses of public entertainment, taverns, stores and groceries, for the purpose of creating a revenue to carry out the provisions of this act, and to perform such other works of public utility as the interest and convenience of the inhabitants of said town may require; and to adopt such means as may be necessary for

Taxation.

the prompt and efficient collection of said taxes, when so assessed and levied; and to prescribe the manner of selling property, when the tax so levied upon it is not paid: *Provided*, that no sale of town lots or real estate shall be made until public notice of the time and place of such sale shall be given by advertisement in a weekly newspaper printed in the county of Bureau for three successive times or by posting up notices in said town at least twenty days before the time of such sale: *And, provided, further*, that in conducting such sale, the provisions of the act concerning the public revenue shall be complied with, so far as the same may be applicable; and that the real estate so sold shall be subject to redemption, according to the provisions of said act concerning the public revenue.

Appointment of officers

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor and street commissioner, and all such other officers as may be necessary, and to require of all officers appointed under, in pursuance of this charter, bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient, and to take an oath for the faithful performance of the duties of their respective offices.

Indebtedness.

§ 3. To appropriate money and provide for the payment of debts and expenses of the town.

General health.

§ 4. To make regulations to secure the general health of the inhabitants of the town; to decide what shall be a nuisance, and to prevent and remove the same.

Street improvement

§ 5. To open, alter, abolish, extend, grade, drain, pave and otherwise keep in repair the streets and alleys.

Special taxes.

§ 6. The town council shall have power to levy and collect a special tax on the owners of the lots on any street or part of a street, or public square, according to their respective fronts, for the purpose of grading, paving or otherwise improving the sidewalks on said street or part of street or public square.

§ 7. The lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expenses of making such sidewalk, in addition to the regular tax, which shall be assessed and collected in the same manner as other taxes are.

Water privilege

§ 8. The town council shall have power to provide the town with water, to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Public grounds.

§ 9. To provide for inclosing, improving and regulating all public grounds which may now or hereafter belong to said town.

Auctioneers, etc

§ 10. To license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers, exhibitions, shows and other amusements.

§ 11. To erect and keep in repair bridges and public buildings.

§ 12. To prohibit and suppress tippling houses, dram shops, gaming, bawdy, and other disorderly houses within said town and within one mile of the limits thereof.

Disorderly
houses.

§ 13. To prohibit, suppress, tax, regulate, limit or restrain the introduction, keeping or giving away, for the purpose of evading this act, or manufacturing or sale of vinous, spirituous, mixed or malt liquors, or other intoxicating drinks, within said town and within one mile of the limits thereof.

Liquor traffic.

§ 14. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies; and to provide for the inspection and weighing of hay and stone coal and for the measurement of wood and other fuel sold in said town.

Fires and fire
department.

§ 15. To provide for the taking enumerations of the inhabitants of said town.

Census.

§ 16. To regulate the election of town officers, and to provide for the removing from office any person holding an office created by ordinance.

Elections.

§ 17. To fix the compensation of town officers and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

Compensation
of officers.

§ 18. To prevent the encumbering of streets, squares, lanes and alleys of said town; to protect shade or ornamental trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town; to prevent, restrain or regulate the running at large of horses, mules, asses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals for the violation of any ordinance in relation thereto.

Street obstruc-
tions.

§ 19. To provide for the punishment of persons who may be guilty of drunkenness, riotous, obscene or indecent conduct within said town, or who may at any time disturb or distract the peace of any person or persons of said town, or the deliberations or proceedings of any public meeting or meetings of the inhabitants, or any public lecture, or the town council when in session.

Drunkenness.

§ 20. To regulate the police of the town; to impose forfeitures, fines and penalties for the breach of any ordinance; to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties.

Breach of the
peace.

§ 21. To prohibit and suppress billiard tables, lotteries and gaming tables of every description and character.

Gaming, etc.

§ 22. To make and enforce all ordinances necessary and proper for carrying into effect all the powers specified in this act, so that such ordinances are not repugnant to nor

Necessary ordi-
nances.

inconsistent with the constitution of the United States or of this state.

Style of ordinances.

§ 23. The style of the ordinances of the town shall be, "*Be it ordained by the Town of Lamoille.*"

§ 24. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published by authority of the corporation, shall be received in evidence in all courts and places, without further proof.

Publication of ordinances.

§ 25. All ordinances passed by the council shall, within one month after they shall have been passed, be published in said town, as may be provided by ordinance, and shall not be in force until so published.

ARTICLE VI.

OF THE PRESIDENT.

Duties of president of council

§ 1. The president shall preside at all meetings of the town council, and shall have a casting vote and no other; and, in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president or any two members of the council may call special meetings of the town council.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

ARTICLE VII.

PROCEEDINGS IN SPECIAL CASES.

Taking private property for public purposes

§ 1. When it shall be necessary to take private property for opening or altering any public street or alley the corporation shall make a just compensation to the owners of such property and pay or tender the same before opening or altering such street or alley; and, in case the amount of said compensation can not be agreed upon, the town council shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor the town council shall provide for opening or altering the same; but no compensation shall be allowed to such owners for their property so taken.

§ 3. All jurors empaneled to inquire into the amount of benefits and damages which shall happen to the owners of property proposed to be taken for opening or altering any street or alley shall first be sworn to that effect, and shall return to the town council their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages the jury shall take into calculation the benefits as well as the injury happening to the owners of property proposed to be taken for opening or altering a street or alley by such opening or altering.

§ 4. The town council shall have power, for good cause shown, within ten days after any inquest shall have been returned to them, as aforesaid, to set aside the same and cause a new inquest to be made.

ARTICLE VIII.

§ 1. The inhabitants of the said town of Lamoille are hereby exempted from working on any road beyond the limits of said town and from paying any poll tax or commutation for poll. Exemptions

§ 2. The town council shall have the power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets, alleys and roads in said town, to require every able-bodied male inhabitant, not exempted by the laws of this state from road labor, to labor on said streets, alleys and roads, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay the sum of one dollar for each and every day so neglected or refused. Street labor.

§ 3. The town council shall have power to provide for the punishment of the offenders against the ordinances of said town, by imprisonment in the county jail not exceeding thirty days for any one offense; and, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures and costs which may be recovered or adjudged against them, it shall be competent for the magistrate or other court before whom the same shall be tried to direct such offenders to be committed to the county jail until such fines, forfeitures and costs shall be paid or otherwise discharged by due process of law. Punishment of offenders.

§ 4. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Lamoille. Suits at law

Annual financial
statements.

§ 5. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Vacancies.

§ 6. Whenever the police justice or town constable, herein provided for, shall remove from said town, resign or die, or his office shall otherwise become vacant, the town council shall immediately provide for filling such vacancy by election.

Records.

§ 7. The clerk of the board shall preserve, in a suitable book, a record of all the meetings and acts of the board, and especially of all ordinances they may pass and all the orders they make upon the treasurer.

Disposition of
fines, penalties,
etc.

§ 8. All moneys from fines and forfeitures and penalties for breaches of the peace and violations of the ordinances of the corporation shall be paid into the treasury of the corporation; and for an omission of any officer so to do such officer may be proceeded against by the town in an action of debt for the same.

Evidence of act

§ 9. This act is hereby declared to be a public act, and may be read in all courts of law and equity within this state without proof, and shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y
25, 1867.

AN ACT to incorporate the town of Fairfield, in Wayne county.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Fairfield, in Wayne county, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Fairfield;" and, by that name and style, have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries.

§ 2. The boundaries of the corporation hereby created shall be to include the whole of section six, town two south, range eight east, in said county, aforesaid: *Provided, nevertheless,* that the president and board of trustees of said town, may, at any time, by ordinance, extend the limits of said corporation.

Corporate powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the limits of said town; to purchase, receive and hold

real property beyond the limits of said town for burial grounds and other purposes, for the use of said inhabitants, to improve and protect such property, and lease, sell convey and dispose of the same, and do all other acts and things in relation thereto as natural persons.

ARTICLE II.

§ 1. The municipal government of said town shall be vested in a town council, consisting of a president and four trustees, who shall be elected, annually, by the legal voters of said town, and continue in office until their successors are elected and qualified. Government.

§ 2. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state and county tax. And all white free male inhabitants, over twenty-one years of age, who have resided in said town thirty days next preceding an election, with the intention of becoming a *bona fide* citizen thereof, shall be entitled to vote at all municipal elections. Qualification of officers.

§ 3. The said trustees shall, at their first meeting, proceed to elect one of their own body president; and the persons who may be in office as trustees of said town, under the general incorporation act of this state, shall, after the passage of this act, be deemed to hold their offices by virtue of this act until the third Monday in December, A. D. 1867, and until their successors in office are elected and qualified to discharge their duties in conformity to the provisions of this act. Meetings.

§ 4. If any member of the town council shall remove from the town his office shall thereby be vacated. Vacation of office.

§ 5. All vacancies that may occur in the town council shall be filled by election.

§ 6. The town council shall be judges of the qualifications, elections and returns of its own members, and shall determine all contested elections. Elections.

§ 7. A majority of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum.
Absentees

§ 8. The town council shall determine the rules of its proceedings; but no member thereof shall be appointed to any office under its authority, except clerk and treasurer. Rule of proceedings.

§ 9. The town council shall cause to be kept a journal of its proceedings, and such journal, purporting to be a record of the proceedings of the town council, shall be re- Journal of proceedings.

ceived in all courts and places, without further proof, as evidence of all matters therein contained.

Oath of office.

§ 10. Every member of the town council, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability.

Ties.

§ 11. Whenever there shall be a tie in the election for members of the town council, the judges of election shall certify the same to the police magistrate, who shall determine the same, by lot, in the presence of said judges, who shall enter the result thereof on their returns of said election.

Stated meetings.

§ 12. There shall be a stated meeting of the town council once in each month—the time and place of which meeting shall be prescribed by ordinance; but the president may call a special meeting whenever necessary.

ARTICLE III.

Time of elections.

§ 1. On the third Monday in December A. D. 1867, and on the third Monday in December in each year thereafter an election shall be held in said town for the purpose of choosing five trustees of the town council hereby established.

Judges of elections.

§ 2. The town council shall have power to appoint two of their own number as judge and clerk of each municipal election; and said election shall be held between the hours of ten o'clock A. M. and four o'clock P. M. of the day above specified; and all special elections shall be held in the same manner.

ARTICLE IV.

Taxes.

§ 1. The town council shall have power to levy and collect taxes on all property, real and personal, within the limits of said town, not exceeding one-half of one per cent. per annum upon the assessed valuation thereof for general purposes; and they may enforce the payment of said taxes in any manner, to be prescribed by ordinance, not repugnant to the constitution and laws of the United States or of this state.

Indebtedness.

§ 2. To borrow money, on the credit of said town: *Provided*, that the interest payable on the aggregate of all sums borrowed and outstanding shall never exceed, in any year, one-half of the town revenue from real estate for that year.

§ 3. To provide and appropriate money for the payment of all debts and expenses of the town.

Appointment of officers.

§ 4. To appoint a clerk, treasurer, assessor, collector, police constable, street commissioner and such other officers as they may deem expedient for carrying this act into full effect, and to prescribe their duties; to require all officers,

so appointed, to take an oath for the faithful performance of such duties, and to give bonds, with such securities and penalties as may be prescribed by ordinance.

§ 5. To fix the compensation of town officers, regulate the fees of jurors, witnesses and others, for services rendered under this act, and to remove from office any person appointed by them. Compensation,
fees, etc.

§ 6. To make regulations to prevent the introduction of contagious diseases into the town. Diseases.

§ 7. To make regulations to secure the general health of the inhabitants; to declare what shall be deemed a nuisance, and to prevent, abate and remove the same, and to punish the authors thereof.

§ 8. To open, alter, widen, extend, establish, vacate, abolish, grade, pave or otherwise improve any streets, lanes, avenues, alleys, roads, squares, commons, parks or other public grounds in said town, or any other grounds or places belonging to said corporation, and to have exclusive control of the same. Streets and al-
leys.

§ 9. To build and keep in repair bridges, culverts and street crossings.

§ 10. To provide for protecting, inclosing, adorning or otherwise improving any squares, commons, parks or other public grounds in said town, or any other grounds or places belonging to said corporation.

§ 11. To provide for the erection of all needful buildings for the use of said town, and to levy special taxes therefor, when authorized so to do by a majority of the legal voters of the town, at any election, and to collect the same as the town taxes are collected. Needful build-
ings.

§ 12. To cause the owners of lots or parts of lots or lands on any street, or alley, or square, to improve the side-walks in front of their respective lands, by grading, paving, planking, or otherwise, as may be directed by ordinance, and keep the same in good repair; and if any owner or his agent shall refuse or neglect to make such improvements within the time specified in such ordinance, or to repair the same at any time when notified by the street commissioner to do so, the town council shall have power to cause such improvement or repairs to be made at the expense of the town, and to assess a special tax upon the owner of such lots or lands sufficient to cover all costs and charges therefor; which tax shall constitute a lien upon such lots or lands, and be collected, in all respects, as other taxes: *Provided*, that the cost of any such improvement or repairs, with all expenses attending the same, may be recovered by suit brought in the corporate name against the owner of such lots or lands, as for money paid and laid out for his use and benefit, and at his request. Improvement
of private prop-
erty.

§ 13. To cause all the streets, alleys or lanes, avenues and public lands in the town to be kept in good repair, and, Street labor.

to this end, they may require every able-bodied male inhabitant thereof, over the age of twenty-one years and under fifty, to labor on such streets, alleys, lanes, avenues or public grounds, not exceeding four days in each year, or pay commutation in lieu thereof, at the rate of one dollar for each day they may so be required to labor; and the inhabitants of said town are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure labor to be done thereon, except the road tax levied by other districts on property therein.

Surveys, etc.

§ 14. To provide for surveying, platting, numbering and recording the plat of any or all out-lots or lands within the limits of said corporation, not now laid out in town lots in said town and the addition thereto, and to cause such out-lots and lands to be designated by such numbers in the assessment lists, and to sell the same for non-payment of taxes by such designation.

Miscellaneous provisions, etc

§ 15. To provide the town with water, and to dig wells and cisterns for the use of the inhabitants.

§ 16. To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies.

§ 17. To provide for the inspection and weighing of all produce and articles for sale, and the measurement of wood sold for fuel.

§ 18. To regulate the storage of gunpowder, tar, pitch and other combustible materials.

§ 19. To restrain, regulate and prohibit the running at large of horses, cattle, sheep, swine and other animals, and to authorize the distraining, impounding and sale of the same when found running at large contrary to any ordinance, and to prohibit the indecent exhibition of horses or other animals.

§ 20. To establish and maintain a public pound, appoint a pound master, and prescribe his duties.

§ 21. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when running at large contrary to any ordinance.

§ 22. To prevent horse-racing or any immoderate riding or driving within the limits of said town, of horses or other animals; to prevent the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing or remaining in any street, square, vacant lot or other open place in the town.

§ 23. To prohibit and prevent any indecent exposure of the person, or other lewd or shameful practice, and punish persons guilty thereof.

§ 24. To prevent, suppress and prohibit any riot, affray, tumult or disturbance of the peace, by loud or unusual cries, noises or any other disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns or other combustibles or firearms within the limits of said town.

§ 25. To prohibit, prevent and punish any wanton injury to private property, disorderly intrusion upon any private premises, petty pilfering, destruction or injury of shade, fruit and ornamental trees, or any other disorderly proceedings, endangering or trespassing upon the rights of private persons or property. Injury to private property.

§ 26. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Exhibitions.

§ 27. To license, tax and regulate auctioneers, peddlers, hawkers, ordinaries and gift enterprises. Auctioneers, peddlers, etc.

§ 28. To restrain, prohibit and suppress, tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly establishments.

§ 29. To restrain, prohibit and suppress all descriptions of gambling, swindling and fraudulent abuses, and to punish all persons in any manner engaged therein. Gambling.

§ 30. To license and regulate or suppress and prohibit the selling, bartering, exchanging, giving away, trafficking in or in any manner disposing of any wine, gin, rum, brandy, whisky, beer or any other vinous, spirituous, malt, mixed or intoxicating beverages within the limits of said town. Liquor traffic.

§ 31. To provide for taking enumerations of the inhabitants of said town. Census.

§ 32. To pass all ordinances which they may deem necessary and proper for carrying into full effect the provisions of this act, and for the regulation of the municipal government of said town, and to execute the same, and to impose fines, forfeitures and penalties for the violation of any ordinance or any of the provisions of this act, and to provide for the enforcement of such ordinances and the recovery of such fines, forfeitures and penalties, in any manner, not repugnant to the constitution of the United States or of this state: *Provided*, that in no case shall any such fine or forfeiture exceed the sum of one hundred dollars for any one offense; and any such fine or forfeiture may be recovered before the police magistrate herein provided for, or any justice of the peace in said county of Wayne, in the corporate name; and such police magistrate or justice of the peace may, unless the amount of such judgment be paid forthwith, or satisfactory security given, issue execution against the goods and chattels of any offender immediately upon rendition of judgment; or he may direct that such offender be held in custody and compelled to work out the amount of such fine and costs on the public streets. Necessary ordinances.

§ 33. To provide for the punishment of offenders against any ordinance or provision of this act, by imprisonment, not to exceed three months for any one offense, in the county jail, town prison or other secure place, to be provided by them for that purpose. Fines, etc.

§ 34. The style of ordinances of said town shall be, *"Be it ordained by the Town Council of the Town of Fairfield."* Punishment of offenders.

Style of ordinances.

§ 35. All ordinances passed by the town council shall be recorded in a book to be kept for that purpose, which book, purporting to be a record of the ordinances of said town, shall be received in evidence in all courts and places, without further authentication or proof.

Publication of ordinances.

§ 36. Printed or written copies of all ordinances passed by the town council shall be posted up in at least three of the most public places in said town, within thirty days after their passage; and all ordinances shall take effect at the expiration of ten days after such posting.

Proof of ordinances

§ 37. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town council, shall be received in evidence in all courts and places, without further authentication or proof; and any ordinance of said town, printed and published in any newspaper in Wayne county, and purporting to be printed or published by authority of the town council, shall in like manner be received in evidence in all courts and places, without further authentication or proof.

ARTICLE V.

President.

§ 1. The president shall be the chief executive officer of the corporation, and, as such, shall be conservator of the peace, and have power to arrest without warrant, and bring to trial any person guilty of a violation of any ordinance or provision of this act; and he may appoint, from time to time, as the same may appear to him necessary, such watchmen, by day or night, as may be requisite to preserve the peace in any emergency or apprehended disturbance; and such watchman, so appointed, are hereby authorized to arrest, without warrant, and confine any person found engaged in any violation of any ordinance of said town precisely as the police constable of said town is by this act authorized to do. And the said president is hereby authorized to call upon any white male resident of said town, over the age of twenty-one years, to aid in the enforcement of the ordinances of said town, to preserve the peace; and any person who shall fail or refuse to obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

Duties of.

§ 2. He shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibition of his books and papers.

§ 3. He shall preside at all meetings of the town council, preserve order and have a casting vote in case of a tie,

but no other. In case of his non-attendance at any meeting the council shall appoint one of their number to preside at such meeting.

§ 4. The president or any two members may call a special meeting of the town council. Special meetings.

§ 5. His signature to any paper or document, as president of the town of Fairfield, with that of the clerk, attested by the seal of the town or their own private seals, shall constitute the signature of said corporation. Signature.

§ 6. He shall perform such other additional acts and duties as may be required of him by ordinance. Additional acts.

ARTICLE VI.

§ 1. At the election to be held in said town on the third Monday of December next, and at such election on every fourth year thereafter, a police magistrate of the town of Fairfield shall be elected, who shall continue in office until his successor is elected and qualified. Police magistrate.

§ 2. Said police magistrate shall be commissioned and qualified in the same manner as justices of the peace are, and shall have the same jurisdiction, powers and emoluments as other justices of the peace in Wayne county. He shall be a conservator of the peace for said town, and shall have jurisdiction in all cases arising under the ordinances of the town, and shall be entitled to the same fees for his services as are now allowed to justices of the peace in similar cases under the laws of this state, and to be collected in the same manner. How commissioned and qualified.

§ 3. It is hereby made the duty of the police constable of said town and of all constables of Wayne county to execute any process or order issued or made by such police magistrate in the county of Wayne, in the same manner as processes are executed from other justices of the peace. Constable.

ARTICLE VII.

§ 1. The town council shall cause to be published, at the close of each year, a complete statement of the receipts and expenditures of the town during the year. Financial statements.

§ 2. The members of the town council, or any two of them, shall be judges of the annual election held in pursuance of this act, and such special elections as may be ordered by them, and shall conduct the same in such manner as may be prescribed by ordinance. Judges of elections.

§ 3. All fines imposed and collected for violation of any of the ordinances of said town, and all license fees and other moneys collected by virtue of this act or any ordinance passed in pursuance of this act, shall be paid into the treasury of said town by the officers receiving the same, and shall constitute a part of the general fund thereof. Disposition of fines, etc.

Appeals.

§ 4. Appeals shall be allowed from decisions, in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Wayne county; and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

Rights of trial
by jury.

§ 5. The right of trial by jury shall be allowed to any person charged with a violation of any of the provisions of this act or a breach of any ordinance of said town.

Power and du-
ties of constable.

§ 6. The police constable, to be appointed by the town council, as hereinbefore provided, shall have the same power and authority, in all cases arising under the laws of this state, as other constables in Wayne county, and shall have the same right, throughout the county of Wayne, to serve any process issued by any court, as other constables; and he shall have authority and it shall be his duty to arrest, without warrant, any person found engaged in a violation of any ordinance of said town, or any person liable to escape before warrant can be procured, and confine such person in the town prison or other secure place, or hold him in custody until he may be brought to trial; and any person who shall forcibly resist said police constable in the discharge of his duty, shall, upon conviction thereof, forfeit and pay a fine not exceeding one hundred dollars nor less than ten.

Witnesses.

§ 7. Any member of the town council or other officer of said town shall be a competent witness in any suit, action or prosecution wherein the town of Fairfield may be a party.

Prosecutions.

§ 8. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Fairfield.

§ 9. All ordinances and resolutions passed by the president and trustees of the town of Fairfield shall remain in force until the same shall be repealed by the town council hereby created.

§ 10. All actions, fines, penalties, forfeitures and claims which have accrued to the president and trustees of the town of Fairfield shall be vested in and prosecuted by the corporation hereby created; and all liabilities incurred and obligations entered into by or with the said president and trustees shall be performed and executed to or by the corporation hereby created.

Vested
erty. prop-

§ 11. All property, real and personal, money or choses in action, heretofore belonging to the president and trustees of the town of Fairfield, shall be and the same is hereby declared to be vested in the corporation created by this act.

§ 12. The town council hereby established shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the town of Fairfield, and cause an election to be held on the third Monday in December next for five trustees of the town council, and also for a police magistrate, as herein required, giving due notice of said election, as now required by the ordinances of the town of Fairfield.

Promulgation
of laws.

§ 13. It shall be the duty of the sheriff and all deputy sheriffs of Wayne county, and the police magistrate of said town, and the town constables of said town, and every member of the town council or board of trustees herein provided for, to immediately cause every person to be arrested and brought to trial, who shall violate any of the ordinances of said town, when such violation shall in any way come to their knowledge; and for any failure so to do any such officer shall be liable to indictment by the grand jury of Wayne county, and, on conviction, shall be fined in the sum of ten dollars and costs of prosecution; or such person or officer shall be liable to be sued before the police magistrate, and, on conviction, be fined in the sum of ten dollars, to be collected as other fines herein provided for.

Arrest and trial
of violators of
law, etc.

§ 14. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the town of Brighton, in the counties of Macoupin and Jersey.

In force Feb'y
22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Brighton, in the counties of Macoupin and Jersey, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Board of Trustees of the Town of Brighton;" and, by that name and style, shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the northwest corner of the west half of the southwest quarter of section number eighteen, (18,) thence east three-fourths of a mile, thence south one mile and a quarter, thence west three-fourths of a mile, thence north one mile and a quarter to the place of beginning—all in township number seven (7) north, of range

Boundaries.

No. nine (9) west of the third principal meridian, lying and being in the county of Macoupin; also, commencing at the northeast corner of the southeast quarter of section thirteen, thence west one quarter of a mile, thence south one mile and a quarter, thence east one quarter of a mile, thence north to the place of beginning—all in township No. seven (7) north, of range number ten west of the third principal meridian, in the county of Jersey, and state of Illinois.

Powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and answered unto in all courts of law or equity in this state, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease, or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Officers.

§ 4. The corporate powers and duties of said town shall be vested in one president and four trustees, who shall constitute a board for the transaction of the business of said town. The said trustees shall be elected annually by the qualified voters of said town; and no person shall be trustee unless, at the time of his election, he shall have resided in said town for the space of six months preceding his election, be twenty-one years of age, be a freeholder within the corporation, and a citizen of the United States; and upon his removal from said town he shall vacate his office.

Qualifications of trustees.

§ 5. The board of trustees shall determine the qualifications of its own members and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of three-fifths, expel a member.

Oath of office.

§ 6. The president and each of the trustees shall, before entering upon the duties of their offices, take an oath to perform the duties of their offices to the best of their knowledge and abilities. And there shall be at least one regular meeting of said board in each month, at such times and places as may be prescribed by ordinance.

**Election
trick.**

dis-

§ 7. The boundaries of said town, as herein defined, shall constitute a district for the election of the president and one town constable, who shall be elected by the qualified voters of said town, and, at the same time and place at which the trustees are elected; and the said president shall

preside over the board of trustees; shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a trustee by the fourth section of this act. The president shall be elected for the term of two years; and if he remove from said town his office shall be vacated.

§ 8. If two or more persons shall receive an equal number of votes for the office of president the board shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance. Tie vote.

§ 9. On the first Monday of April, A. D. 1867, and on the first Monday of April biennially thereafter an election shall be held in said town for one president and one town constable for the term of two years; and on the first Monday of April, 1867, and on the first Monday of April each year thereafter for four trustees, as aforesaid, who shall hold their offices one year and until their successors are elected and qualified; and notice of the time and place of the first election shall be given by Lemuel P. Stratton, Henry Brul-
ten, Eleazer Butler, William C. Merrill and Sheldon Ackerman, or a majority of them, by posting up at least four notices in the most public places in said town at least ten days before the time of holding the same; and annually thereafter notices of election shall be given by the president and trustees by publication in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the same time of notices as aforesaid. Said notices shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, and the hour at which they shall be closed. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for opening the polls, appoint, by acclamation, three of their number to act as judges of such election, and the said judges shall appoint two clerks of such election. Said judges and clerks, before entering upon the duties of their offices, shall be qualified in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot, and all persons, who, by the laws of this state, are entitled to vote for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat. Election of officers.

§ 10. The trustees elected shall have power and it shall be their duty to appoint a clerk, treasurer, assessor, collector, and one or more street commissioners, and such other officers, if any, as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require them, before entering upon the duties of their respective offices, to give such bonds and securities as may be necessary to insure the faithful performance of their Appointment of officers.

duties. They shall, also, require all persons appointed to office by them, before entering upon the discharge of their duties, to take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will faithfully and to the best of their ability discharge the duties of their offices. And the said trustees shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal, resignation, or continued absence from their regular meetings for the term of three months, or otherwise. And they shall, also, have power to remove from office, by a vote of two-thirds of all their members, any subordinate officer of said town who holds his office by appointment of the board of trustees of said town.

Taxes.

§ 11. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or of the United States: *Provided*, that lands occupied for farming purposes, in tracts of ten acres or more, and not laid off in town lots or blocks, shall be exempt from taxation for town purposes. They shall, also, have power to appropriate money, and to provide for the payment of the debts and expenses of the incorporation.

Sanitary measures.

§ 12. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof, by fines, penalties or imprisonment in the county jail of Macoupin county, or by both such fines, and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

Street improvements.

§ 13. They shall have power and it shall be their duty to cause all streets, alleys and public roads within said town to be kept in good repair, and, for that purpose, they may require every male resident of said town, over the age of twenty-one years and not exceeding fifty years, to labor thereon not exceeding four days in each and every year, or to pay, at the time of being notified to work the same, the sum of one dollar for every day's labor required of him; and upon failure of the aforesaid persons to do the work or pay the money, as above specified, then each and every [one] of them shall pay the sum of two dollars for each and every day's labor to be performed, to be collected as shall be provided by ordinance of said board. And if the labor and money performed and received be not sufficient

for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor. And the inhabitants of said town shall be exempt from working on any road outside the same.

§ 14. They shall have power, to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, lane, alley, public grounds and public roads within the limits of said town, and to establish, erect, construct, build and keep in repair, bridges, culverts, sewers, side-walks, pavements, cross-ways, and to regulate the construction and use of the same, and to punish the abuse thereof.

Streets, alleys,
etc.

§ 15. They shall have power to provide the town with water, to sink and keep in repair public wells, and to erect and keep in repair such public buildings as the necessities of the town may require, and provide for the inspection and weighing of hay, stone coal and building stone, and the measurement of wood, fuel and building stone, to be used in said town.

Water.

§ 16. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating-houses, hawkers and peddlers; and to regulate the fixing of chimneys and the flues thereof; also to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, houses of ill fame, bawdy houses and all other disorderly houses within said town, and within one mile of the limits of said town.

Auctioneers,
merchants, etc.

§ 17. They shall have power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements of every kind, unless gotten up in said town by the citizens thereof. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind within the limits of said town; to prohibit and impose penalties on the authors thereof of any indecent exposure of person or dumb beast to public view, or of the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town.

Exhibitions.

§ 18. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fireworks or combustibles within said town.

Animals at large

Street encum-
brances.

§ 19. They shall have power to prevent the encumbering of any street, lane, avenue, road, alley or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent the running at large of horses, cattle, sheep, hogs or other animals within said town, and to provide for distraining and impounding any such animal or animals, and the sale thereof to satisfy costs and charges of any penalty or penalties incurred under any ordinance of said town; to prevent racing with horses or other animals; to prevent any immoderate riding or driving of horses or other animals, and also to prohibit and punish the abuse of all animals within said town.

Liquor traffic.

§ 20. The said president and trustees of the town of Brighton shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away or in any manner trafficking in any wine, rum, gin brandy, whisky, beer, ale or other intoxicating liquors, whether mixed or unmixed, within the limits of said town, or within one mile of the boundaries of the same; and may, by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking, in any manner, in any such wine, gin, rum, brandy, beer, ale or other intoxicating liquor, whether mixed or unmixed, within the corporate limits of said town or within one mile from the boundaries, and the place or places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section twelve of this act: *Provided*, that they shall allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes: *Provided*, that they shall not impose any fine, by authority of this section, of more than fifty dollars for any one offense, or any penalty of imprisonment in the county jail of more than thirty days for any one offense.

Nauseous and
offensive estab-
lishments.

§ 21. They shall have power to direct the location and regulate the construction and management of tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the construction and management of, or restrain, abate and prohibit within said town, or to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering houses, establishments for rendering lard, tallow, offal and such other substances as may be rendered and tried, and other establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 22. They shall have power to make such regulations Fires, etc. for the prevention and extinguishment of fires as they may deem expedient, and for that purpose they shall have power to procure fire-engines and such other apparatus as are usually employed for the extinguishment of fires, and shall have the charge and control of the same; they shall, also, have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

§ 23. They shall have power to enlarge the boundaries Enlargement of boundaries. of the town, by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town, and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority from each section of such persons voting at said election to make such enlargement.

§ 24. They shall have power to make all ordinances Needful ordinances. which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the bettering of the internal police of said town, not inconsistent with the constitution of this state or the United States, and to cause the same to be executed; they shall have power to impose fines and penalties for the breach of any law or ordinance of said town, or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment, in the county jail for any one offense of more than six months.

§ 25. The president shall preside at all meetings of the President. board, when present, and, in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit to said town the sum of not less than five nor more than twenty-five dollars. He shall have power, whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers; and shall have power and it shall be his duty to do all other acts

and things that may be required of him by the laws and ordinances of said town.

Police magis-
trate.

§ 26. There shall be elected, at the next election for town officers, one police magistrate, who shall be commissioned and qualified as is now required by law in cases of other justices of the peace, and shall hold his office for four years and until his successor is elected and qualified; he shall be, *ex-officio*, a justice of the peace of the county of Macoupin, and shall be subject to the same penalties that are provided by the general laws of this state for other justices of the peace; he shall possess and may exercise all the powers, jurisdiction and authority that other justices of the county of Macoupin might have and exercise in similar cases.

§ 27. Said police magistrate shall be a conservator of the peace for the said town of Brighton, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws or ordinances of said town, or this act, and shall, in such cases, possess and may exercise all right, power and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities and to amend the charters thereof," approved February 27, 1854. Whenever, after the passage of this act, there shall occur any vacancy in the office of police magistrate of said town the board of trustees shall, within twenty days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Fees, etc.

§ 28. He shall, in all cases, be entitled to the same fees and emoluments that are, by the laws of this state, allowed to other justices of the peace for similar services. In case of the absence of the police magistrate, or of his inability, any other justice of the peace of said county of Macoupin, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the police magistrate possesses in like cases. The rule of practice and proceedings in all cases arising out of the laws or ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except in cases where such rules of practice and proceedings shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Change of venue

§ 29. In all cases arising under any ordinance of said town or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of the county of Macoupin, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town or under this act, if either party wishes to appeal he or they shall

give notice, in writing, thereof, to the justice of the peace before whom the case was tried on the day of the trial thereof, and shall file the necessary appeal bond with such justice of the peace within five days from the day of trial.

§ 30. The town constable of said town shall be qualified in such manner as the board of trustees may by ordinance prescribe; and shall [have] power and authority to execute all warrants and other process issued by the police magistrate of said town or of any other justice of the peace of said county of Macoupin. He shall have and may exercise, in all cases, the same power and authority that are given to other constables of said county; and he shall, also, have full power and authority to execute any writ or process in said county of Jersey that may be issued by the police magistrate or justice of peace of this town against any person or persons for the violation of any law or ordinance thereof, and shall be entitled to like fees for his services, and shall, in all cases of nonfeasance and misfeasance of duty, be subject to the penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Constable's duties and powers

§ 31. In all cases arising under the laws or ordinances of said town, any constable of the counties of Jersey and Macoupin shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the constable of said town shall see any person or persons violating any of the laws or ordinances of this town it shall be his duty and he is hereby empowered to make immediate arrest of such person or persons, on view, without warrant; and in all such cases, without warrant, the constable making the arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall, thereupon, institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

§ 32. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement, or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees, or any other officer of said town, shall be a com-

Security for costs.

petent witness for either party in any suit for a violation of the laws or ordinances of said town.

Clerk's duties.

§ 33. The president and trustee shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws in a book, to be provided for that purpose; and such book, purporting to be the record-book of the corporation of said town of Brighton, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Brighton shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed thereon by the president and clerk of the board of trustees, with their own proper signatures; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall, also, note the date of the adoption and of the publication and of the time of taking effect thereof.

Compensation
for private
property taken

§ 34. Whenever it shall become necessary to take private property for opening or altering any public street or alley the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same, before opening or altering such street or alley, or before taking private property for any public use; and, in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors empaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose shall first be sworn to that effect; they shall then proceed to examine the property in question, and, after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking and the proposed use of such property, they shall within ten days make out and return their verdict, in writing, signed by each of said jurors, to the police magistrate of said town, assessing to such owner or owners such

damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their clerk or attorney, and owners of property included in such verdict, to be notified of the contents of the same. The said police magistrate may, at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest they shall be allowed an appeal to the circuit court of the county of Macoupin. When any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate and entered on his docket, unless set aside or appealed from, it shall be a judgment against the president and trustees of said town of Brighton in favor of such owner included therein, for the amount of damages thereby assessed to him; and in case the sum assessed to any owner exceeds one hundred dollars the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Macoupin county a full and complete transcript of the proceedings and verdict in such case; which shall be filed and recorded by the clerk of the said court in the same manner as other transcripts from justices' dockets, and shall, from the time of such filing, have all the force and effect in favor of the person or persons entitled to such damages as a judgment obtained in said circuit court.

§ 35. An election shall be held on the second Monday of March, A. D. 1867, in the corporation limits aforesaid, and conducted by the said persons or a majority of them who are herein named for conducting the first election for officers, at which all persons then actually residing within the proposed corporate limits and have right to vote for state and county officers, shall have a right to vote; and at such election the voters shall designate by their ballots whether they are for incorporation or against incorporation; and if a majority voting at such election shall be for incorporation then the said town of Brighton shall be deemed and held to be incorporated under this act; but if a majority voting at such election shall be against incorporation then the said town of Brighton shall not be incorporated: *Provided*, that at any time hereafter an election may be held to incorporate said town under this act—said election to be called by at least ten freeholders of said town, who are residents thereof, by posting up notices of said election in at least four public places within the proposed limits of said corporation; and whenever a majority of the voters of said town shall vote, at any such election, for incorporation then the said town shall be incorporated under this act.

Elections—
time of.

§ 36. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

In force April 21, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Virden," approved February 16, 1865.

Streets—alleys. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That paragraph first, of section eleven, of the aforesaid act, be and the same is hereby amended to read as follows, to-wit: "To cause all the streets, lanes and alleys within the limits of said town, and all the streets, alleys, lanes and public roads leading to or from said town, for a distance of one mile and a half from the public square, to be kept open and in good repair, and, to this end, they shall require every male resident of said town and every male person residing within one mile and a half of said public square, who are over the age of twenty-one years and under fifty years to labor on the same not exceeding three days or pay a sum in lieu thereof not exceeding four dollars in each year; and compel railroad companies to remove any buildings, cars or other obstructions from any street, lane or alley, and construct and keep in repair suitable crossings, whenever their roads intersect any street, lane or alley."

Exhibitions. § 2. That paragraph tenth, of said eleventh section, be and the same is hereby amended, to read as follows, to-wit: "To license, regulate, suppress and prohibit all exhibitions of common showmen, caravans, circuses, exhibitions and shows or amusements of every kind, and to license, tax and regulate auctioneers, pawnbrokers, peddlers, hawkers, and the selling of goods by sample, and to declare who shall be deemed auctioneers or peddlers."

Fire-works. § 3. That paragraph thirtieth, of said eleventh section, be and the same is hereby amended, to read as follows, to-wit: "To regulate, prevent and prohibit the storage, sale and use of fireworks of every description, and to appoint a surveyor of weights and measures, and provide for the weighing or measuring of wood, coal, hay and grain."

Weights, etc.
Street labor. § 4. That section twelve, of the aforesaid act, be and the same is hereby amended to read as follows, to-wit: "Any person residing within the limits described in the first section of this act are hereby exempt from working upon any road or highway beyond the limits in this act expressed and from paying tax, in lieu thereof, without said limits."

APPROVED February 21, 1867.

AN ACT to amend the act entitled "An act to amend the charter of the town of Edwardsville, in Madison county." In force Feb'y 22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the limits of the town of Edwardsville, Madison county, Illinois, be so changed, as to include and embrace all that territory described as follows, to-wit: Beginning at the north-east corner of section number 11, township number 4 north, range number 8 west of the third principal meridian, and running thence west on the section line to Gordon's branch, thence down the meanderings of said branch to the margin of Cahokia creek, thence down the left bank of said creek to the line between sections numbered 3 and 4, in said township and range, thence south to the north-west corner of section number 10, thence east to the north-east corner of the north-west quarter of said section number 10, thence south along the half section line to the south-west corner of the north-west quarter of the south-east quarter of said section number 10, thence east to the line between sections numbered 11 and 12, in the township and range aforesaid, thence north on said line to the south-east corner of the north-east quarter of said section number 11, thence east forty rods, thence north to the north line of section number 12, thence west to the place of beginning. Limits changed

§ 2. Section one of the act to which this is an amendment is hereby repealed.

§ 3. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1867.

AN ACT to incorporate the town of Lanark.

In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Lanark, in the county of Carroll, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Lanark;" and, by that name and style, shall have perpetual succession, and may have the use of a common seal, which they may change or alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be im- Powers.

pleaded, defend and be defended, in all courts of law or equity, and in all actions whatever, and purchase, receive and hold property, real or personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town; and may sell lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and to do all things in relation thereto as natural persons.

Boundaries.

§ 3. That the boundaries of said incorporation shall include the lands described by and within the following boundaries, and being in the county of Carroll, and state of Illinois, to wit: The several additions, as herein described, made to the original plat of said town, as made by John Nycum and Richard Irvin, and surveyed by Elijah Funk, county surveyor, as follows: Frank Smith's addition to the town of Lanark, Richard Irvin's addition to the town of Lanark, David B. Long's addition to the town of Lanark, including with latter the street separating Richard Irvin's addition, above named, from David B. Long's addition, above named; also, that the following described tract of land be and is hereby declared to be henceforth included within said incorporation, to-wit: (Said tract of land was added by the board of trustees now in office, upon a petition of a majority of the lot-holders and occupants of the same,) beginning at the south-east corner of David B. Long's addition to the town of Lanark, thence due south seventeen and one-third ($17\frac{1}{3}$) rods; thence due west ninety (90) rods, to a point on the public road running south from Broad street, in said town; thence due north seventeen and one-third ($17\frac{1}{3}$) rods, to the south-west corner of Richard Irvin's addition to the said town; thence due east ninety (90) rods to the place of beginning. And, further, that the following tract of land be and is hereby declared to be a part of and included within the corporation of said town, to wit: Beginning at the north-east corner of David B. Long's addition to the town of Lanark; thence due north to the track of the Western Union Railroad Company; thence west to the north-west corner of block number one, of Richard Irvin's addition to the said town; thence due south to the south-east corner of block number one, of Richard Irvin's addition aforesaid; thence east thirty-three feet; thence south again to the north-west corner of David B. Long's addition aforesaid; thence due east to place of beginning—the said boundaries including a part of the north-west and a part of the north-east and a part of the south-east and a part of the south-west quarters of section number five, (5,) of township number twenty-three, (23,) range six (6) east of the fourth (4) principal meridian.

And be it further enacted, that the trustees of said corporation of Lanark have power to add to the said corpora-

tion, from time to time, such portions of territory which may by them be considered to be to the interest of said corporation, not to exceed one mile square, as is prescribed at present by the statutes of the state of Illinois.

§ 4. The present president and trustees of said town, as at present incorporated under the general act of incorporation, are hereby appointed trustees of said town, and shall hold their office until the first Tuesday in August next and until their successors are elected and qualified; and on the first Tuesday in August next, or within twelve days thereafter, and on the first Tuesday in August of every year thereafter an election shall be held for five trustees of said town, who shall hold their office for one year and until their successors are elected and qualified; and ten days' public notice of the time and place of holding any election for trustees shall be given by the president and trustees or by their clerk, by advertising in any weekly paper published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected a trustee of said town who shall not be qualified to vote for state and county officers, and who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the corporate limits of said town. Trustees.

§ 5. That at any election for trustees, every person who shall be qualified to vote for state officers, and who shall have had a residence within the limits of said corporation for six months previous to such election, may enjoy the right of an elector. Qualified voters

§ 6. There shall be elected, at the first regular election of corporation officers and every four years thereafter, a justice of the peace, who shall hold his office in said corporation, and shall have all power and jurisdiction of other justices of the peace, who shall give bond, be commissioned and qualified in the same manner as other justices. At the election of which said justice is to be chosen the officers of election as judges and clerks shall make out and forward to the county clerk of Carroll county returns of the same exactly as in the election of other justices of the peace. Said justice shall have exclusive jurisdiction over all suits growing out of a violation of any of the ordinances of the corporation, except in case of his absence or inability to serve, when the next nearest justice in the county shall have power to act. Justice of the peace.

§ 7. Appeals and changes of venue may be taken and writs of *certiorari* allowed from decisions of the justice of the peace, in any matter growing out of a violation of any ordinances of the corporation, the same as in other cases before justices of the peace. Any failure to hold the first election under this act, at the specified time, shall not work a forfeiture thereof, but the said election may be held at any day thereafter, by giving proper notice. Appeals.

President.

§ 8. That the trustees shall elect one of their number president, and shall be judges of the election, qualifications and returns of their own members; a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and, by vote of three-fifths of the whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancies in the board of trustees, occasioned by death, resignation, removal or continued absence from town for three months, or otherwise.

Miscellaneous
provisions,
regulations, etc

§ 9. The board of trustees of said town shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and prevent and remove the same; to provide the town with water; to dig wells, erect hydrants and pumps in the streets, for the convenience of the public; to open, alter, extend, establish, grade, plank, pave and in any other way or manner improve and keep in repair all streets, avenues, lanes and alleys, sidewalks, crosswalks, drains and sewers; to establish, erect and keep in repair bridges; to provide for the erection of all needful buildings for the use of the town; to provide for inclosing, improving and regulating all public grounds or places, within or belonging to the corporation, planting trees in the streets and public squares, for ornament or shade, and the protection of the same; to restrain and prohibit horse-racing, shooting, indecent exposure of horses or persons, houses of ill fame, gaming houses and other disorderly houses, and intoxication, and to suppress the same; to provide for taxing, licensing and regulating theatrical or other shows or amusements, for the admission to which money or anything is charged; to regulate and license peddlers and auctioneers; the exclusive power to regulate, prohibit or license the selling of spirituous, vinous or malt liquors of any kind, as a beverage, within the limits of the corporation.

§ 10. To restrain and prohibit the running at large of any horses, mules, cattle, sheep, swine, goats or dogs, within said corporate limits; to erect market houses; to establish markets and market places, and provide for the use, government and regulations thereof; to fix the rates to be charged for carriage of persons and property within the limits of the incorporation, by carriages, wagons, sleighs or drays; to provide for the preservation from and the extinguishment of fires; to establish and regulate the fire department; to regulate the storage of gunpowder and all other combustible materials; to regulate the sale of game; to regulate the speed at which railroad locomotives and cars

shall be driven or horses rode or driven through or within the limits of said incorporation; to establish and regulate the police of the town; to regulate the election of the officers of the incorporation and to provide for their compensation; to provide for the inspection and weighing of hay and coal, the measurement of charcoal, firewood and other fuel, to be sold or used within the incorporation; to make all such ordinances, from time to time, and alter, amend or repeal the same, as shall be necessary to carry into effect and execution the powers specified in this act, so that the same be not inconsistent herewith, nor with the constitution of this state or the United States; to impose fines, forfeitures and penalties for the breach of any ordinance of the incorporation, and to provide for the recovery and appropriation of any such fine, penalty or forfeiture; to provide for the infliction of fines or penalties upon any officer of the incorporation neglecting or refusing to perform any duty or act required of such officer in this act to be done; to cause, from time to time, a census of the inhabitants of said town to be taken; to appoint an attorney for the said incorporation, and fix the amount of his fees and compensation.

§ 11. To establish and maintain a public pound and appoint a pound master and prescribe his duties; to restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit or license and control billiard tables, ball alleys and other gaming establishments.

Constable—
powers of.

§ 12. The president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute, anywhere in Carroll county, any writ, process and precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest, on view, or otherwise, any person or persons who may violate the same, and to take them before any justice of the peace of said town, and to collect any fine, forfeiture or penalty which may be assessed or recovered for the use of said town: *Provided*, that any other constable may execute any process issued by any justice of the peace by virtue of this act; also to appoint a clerk, treasurer, street commissioner, board of health and all other officers that may be necessary, and to prescribe their duties, and shall require bonds from the several officers for the faithful discharge of their duties.

Proviso.

§ 13. The trustees, in case of riot, in absence of the corporation constable, may appoint a special constable or constables, whose duties, for the time being, shall be the same as herein specified for corporation constable. The street commissioner, under the direction of the trustees, shall have the immediate supervision of the streets and the superintendence of street labor, and may order the cleaning of

Special constables.

Street commissioner.

the streets, public grounds and sidewalks from all obstructions, and remove the same, if necessary, at the expense, if any, of the person or persons occasioning the obstruction. The board of trustees, together with the president, shall receive a compensation of one dollar each, for each regular meeting which they attend. The treasurer, clerk and street commissioner shall receive for their services, respectively, such compensation as the trustees may direct.

Clerk.

§ 14. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws in a book to be provided for that purpose; and such book, purporting to be a record of the corporation of the town of Lanark, shall be recorded in all courts, without further proof, as evidence of all such matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town or by posting up copies of the same in three public places of said town. The president and trustees shall hold twelve regular monthly meetings in each year, and may publish the proceedings of each meeting in a newspaper printed in said town. They shall also at the close of each fiscal year publish a full statement of receipts and disbursements, stating, separately, each sum paid out, to whom paid and for what purposes; also, for receipts into the treasury, except the general tax, they shall state the items, separately, from whom received, for what purposes and the amount: *Provided*, that if no paper is published in said town, the publication may, for the time, be suspended.

Proviso.

Fines, etc.

§ 15. Any fine, penalty or forfeiture incurred under this act, or any by-law or ordinance made in pursuance of this act, or that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace in the corporate name; and several fines, forfeitures or penalties for breaches of the same, ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit, and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person. It shall be lawful to declare, generally, for debt, such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-laws under which the same are claimed, and to give the special matter in evidence under the declaration; and the justice shall proceed to hear and determine the case as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants not exempt from execution. If the constable shall return upon such execution "no property

found," the justice shall issue a *capias* as against the body of the defendant or defendants, and the constable shall arrest such person or persons, and commit him or them to the jail of the county, to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so in proportion to the amount of the judgment and costs: *Provided*, Proviso. that whenever the said town shall have finished a suitable prison for securing offenders, the town prison may be substituted for the county jail: *Provided, however*, if the said president and trustees or their attorney shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county to have the same levied upon real property and signify the same in writing to him, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to such clerk, which shall be filed on record as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided, further*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties, as in other cases.

§ 16. The justice of the peace and constable who may render service under this act, shall be entitled to the same fees and collect them in the same manner as is or hereinafter may be provided by law in other cases. Officers' fees.

§ 17. The president and trustees shall not be required in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of any such suit, any security for costs. Securities.

§ 18. All fines, forfeitures and penalties received or collected for the breach of any ordinance of this act, shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same. Disposition of fines.

§ 19. The board of trustees may grant license to sell spirituous or other liquors or withhold the same, in their discretion, upon the following conditions— Liquor licenses.

First.—The applicant shall pay into the treasury of the corporation, for the privilege granted, a sum not exceeding three hundred dollars, nor less than twenty-five dollars, in the discretion of the board of trustees.

Second.—The applicant shall execute a bond in the penal sum of one thousand dollars, with one or more securities, to be approved by said board, conditioned that the applicant will, in all respects keep an orderly house, and will not permit unlawful gaming or any uncivil conduct.

§ 20. But no license for any purpose shall be granted to extend beyond the period when the successors to the board granting the same shall be elected and qualified.

Penalties.

§ 21. Every person or corporation not having a license to do so from said board of trustees who shall sell, barter or in any way dispose of any spirituous, vinous, mixed or malt liquors in said town, except those persons licensed as druggists with their instructions as prescribed by ordinance, shall be subject to a fine of not exceeding seventy-five dollars or an imprisonment not exceeding twenty days for each offense, at the discretion of the justice of the peace before whom the case shall be heard; the process shall be as provided by section twenty-six hereof, and the matter shall be cognizable by any justice of the peace mentioned in section twenty-five hereof.

Fines — forfeitures, etc.

§ 22. No fine or forfeiture for a violation of any ordinance or by-law of said incorporation made under the provisions of this act, shall in any one case exceed seventy-five dollars, to be collected as in the manner set forth in section fifteen of this act.

Taxes.

§ 23. The board of trustees of the said town of Lanark shall have power, annually, to levy a tax upon all the taxable property in said town for town purposes, of an amount not exceeding one per cent., which shall be returned to the board of supervisors of said county of Carroll, and by them levied and extended upon the collector's books, of the township of Rock Creek (within the limits whereof said town of Lanark is situated,) to be by him collected and paid to the treasurer of the said town of Lanark. Said tax to be levied upon the assessment roll returned by the assessor of said township of Rock Creek for the year in which the said tax is levied.

Street labor.

§ 24. That for the purpose of altering, opening, extending, establishing, grading, planking, paving and in any other way or manner improving and keeping in repair streets, avenues, lanes and alleys, sidewalks, crosswalks, bridges, drains and sewers, the said board of trustees are authorized to require every able-bodied male resident within the corporate limits, who is not under twenty-one years of age and not over fifty-five, to labor on said streets or public roads, not less than one, nor more than two days in each and every year, as poll tax, and any person failing to perform said labor, either by himself or an able substitute, when duly notified by the street commissioner, shall forfeit and pay the sum of two dollars per day for each day so neglected or refused, or they may commute for the same by paying to the trustees, through the street commissioner, the sum of one dollar and fifty cents for each day assessed. The said trustees may also assess a road tax upon all the taxable property within the corporation limits in the same manner and to the same extent as is now pursued to be done by the commissioners of highways, and for the collection of all road taxes, commutation money and penalties. The trustees are authorized to adopt the same measures as

are provided by law for the commissioners of highways so far as the same may be applicable to this act, and to make such ordinances as shall be necessary for the collection, as aforesaid, of the aforesaid tax, such ordinances being consistent with this act, and the laws and constitution of this state. They may also, on petition, grant the right of way on or over any of the public streets or grounds of the incorporation to any railroad company asking to locate or build a road through the corporate limits, and make all needful arrangements with such company for the location of depots or stations. Said trustees may also order the construction of sidewalks upon any street or part of street within the limits of the corporation: *Provided*, that the owners of lots or part of lots in front of which such sidewalk is ordered shall build the same at their own expense, and such sidewalks so ordered by the trustees, shall be built according to the specifications by them established, within a time specified by said trustees, or in any case of failure or refusal so to do, the trustees shall build the same, and assess the property in front of which it is built for the amount of the cost of construction.

R.R. companies

§ 25. The justice of the peace within and for said township of Rock Creek, shall have concurrent jurisdiction of all matters arising out of any violation of the ordinances of said town, or of the provisions of the charter thereof.

Justice's jurisdiction.

§ 26. All actions for the breach of any ordinance of said town, or of the provisions of the charter thereof, shall be in the name of the president of the town of Lanark. The process shall be by complaint of any person or persons before any justice of the peace hereinbefore named, which justice shall thereupon issue his warrant to bring the offender or offenders before him: (*Provided*, that in case such violation may be made under the sight of the town constable, that the offender or offenders may be arrested by him on view, without complaint of any person or persons, as above prescribed,) and after hearing the evidence, if it shall appear that the person or persons arrested are guilty of the offense charged, the said justice shall fine, or impose imprisonment upon such offender, in his discretion, subject to the provisions of this act.

Actions, etc.

Proviso.

§ 27. All ordinances, by-laws and resolutions passed by the president and trustees of the town of Lanark, as incorporated under the general laws, and which are now in force, and not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation created by this act.

Ordinances in force.

§ 28. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued or have been commenced by the president and trustees of said town incorporated under the general law, shall be vested in and presented by the corporation hereby created.

Vested prop'rt'y § 29. All property, real and personal, or any estate or interest therein, held or belonging to the president and trustees of said town of Lanark, as incorporated under the general law, for the use of the inhabitants thereof, shall be and the same are hereby declared to be vested in the corporation hereby created.

Disposition of taxes. § 30. This charter shall not invalidate any act done by the president and trustees of the town of Lanark, as at present incorporated, and all taxes assessed in favor of said corporation and which have not yet been paid into the treasury thereof shall, when collected, be paid into the treasury of the corporation hereby created.

Necessary ordinances. § 31. The board of trustees may make all necessary ordinances, not inconsistent with this act and the constitution of this state, to carry into operation all the provisions of this act.

§ 32. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof.

§ 33. This act to take effect and be in force from and after the date of its passage.

APPROVED February 28, 1867.

In force Feb'y 9, 1867. AN ACT to change the name of the town of Middleton, Marion county, Illinois, to that of Iuka, and incorporate the same.

Name changed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town "Middleton," in Marion county, be and the same is hereby changed to that of "Iuka:" *Provided, however,* that the change of name shall in nowise affect contracts or conveyances heretofore made.

Name and style § 2. That the inhabitants of the said town of Iuka are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Iuka;" and, by that name and style, shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Powers. § 3. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds or other purposes, for the use of the inhabitants of said town; and may sell, lease or dis-

pose of property, real or personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

§ 4. That all those tracts of land in the original town plat of the town of Middleton, together with all the additions that now are or may hereafter be made to said town, as recorded in the recorder's office of said county of Marion, and all the land within said town plats shall be considered as the town of Luka. Boundaries.

§ 5. On the first Tuesday of April, of each year, the inhabitants of said town shall elect four trustees, and one president of the board of trustees, one clerk of said board, and one treasurer, and one justice of the peace, to be styled the police justice, and one constable, who shall hold their offices one year and until their successors are elected and qualified, except the justice of the peace and constable, who shall, after the next quadrennial election of justices of the peace, hold their offices for four years; which said justice of the peace and constable shall qualify in the same manner and have the same jurisdiction and be subject to the same liabilities as other justices of the peace and constables. Election of officers.

§ 6. C. A. Neff, B. F. Middleton and C. M. Jones, or any two of them, shall be judges of the first election under this act; after which the president of the board of trustees, the clerk and the treasurer of said board shall be judges of the election. Said election shall be conducted in accordance with the laws of this state pertaining to elections. Ten days' notice of the time and place of holding any election of trustees shall be given by the judges of the election, by advertisement in any weekly newspaper published in said town, or by posting notices in three of the most public places in said town. No person shall be elected president or trustee, in said town, who shall not be entitled to vote for state and county officers, and who shall not have been for one year previous to such election a *bona fide* resident within the incorporated limits of said town, and shall have paid taxes within the same. Election—time of—qualified president and trustees.

§ 7. That at any election for trustees, every person who shall be qualified to vote for state officers and who shall have a residence for three months previous to such election within the limits of said corporation, may enjoy the right of an elector. Qualified voters

§ 8. The trustees shall be judges of elections, qualifications and returns of the president and of their own members, and of the clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members in such manner and under such penalties as they may provide, and punish members for disorderly conduct, and, by vote of three-fourths of the Qualifications and returns.
Quorum.

Rules.

whole number elected, expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancies in the board of trustees, president, clerk or treasurer, as may be occasioned by death, resignation, removal or continued absence from the town for over three months: *Provided*, they shall not appoint any one of their number to any of said offices; and the president shall in no case be entitled to a vote, except in case of a tie.

§ 9. The president and trustees shall have power—

Street repairs.

First.—To cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and, to that end, may require every able bodied male resident of said town, over the age of twenty-one and under the age of fifty years, to labor on the same not exceeding three days in each and every year; and, if said labor be insufficient for that purpose, to appropriate as much of the general funds of the corporation as they may deem necessary therefor.

Street improvements.

Second.—To open, alter, vacate, widen, extend, establish, grade, pave, or otherwise improve any street, avenue, lane, alley or public road within the limits of said town.

Sidewalks, etc.

Third.—To make, construct, improve and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which sidewalks or pavements are or shall be ordered or proposed to be made, constructed or kept in repair: *Provided*, that such tax as may be levied upon such lots shall be proportionate to the length of their respective fronts; and until said president and trustees shall provide, by ordinance, for the levying and collecting said tax, they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution, that such tax shall be levied, and the number of the lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court. It shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate cities and towns," approved February the 10th, 1849, for the collection of corporate taxes.

Taxes.

Proviso.

Other taxes.

Fourth.—To levy and collect taxes upon all property, both real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; but until they provide, by an ordinance, for enforcing the payment thereof, the said property shall be assessed and the tax collected in the manner provided by the ninth sec-

tion of the act last mentioned ; and the clerk of the board shall certify to the county clerk ten days previous to the annual meeting of the board of supervisors the rate of all taxes levied by said board.

Fifth.—To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit the indecent exhibition of any horse or other animals. Animals at large

Sixth.—To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.

Seventh.—To prevent the immoderate riding or driving of any horse or horses or other animals within the limits of said town ; to prohibit the abuse of animals ; to compel persons to fasten their horses or other animals, while attached to vehicles or otherwise, when standing or remaining in any street, alley or public ground within the limits of said town.

Eighth.—To establish and maintain a public pound, and to appoint a pound master and prescribe the duties. Miscellaneous provisions, regulations, licenses, etc.

Ninth.—To prohibit and restrain all descriptions of gambling and fraudulent device, and suppress and prohibit billiard tables, nine-pin alleys, and other gaming establishments : *Provided*, they may have power to license billiard tables, nine-pin alleys or other places of exercise and amusements.

Tenth.—To suppress and prohibit disorderly houses, groceries or houses of ill-fame.

Eleventh.—To license, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, exhibitions and amusements and auctions.

Twelfth.—To prevent, prohibit and suppress any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or shooting within the limits of said town.

Thirteenth.—To make regulations to prevent the introduction of contagious disease into the town, and execute the same for any distance not exceeding two miles from the limits thereof.

Fourteenth.—To abate and remove nuisances, and punish the authors thereof, and define and declare what shall be deemed nuisances in said town or for any distance not exceeding two miles from the limits thereof, and authorize and direct the temporary abatement of the same.

Fifteenth.—To regulate the storage of gunpowder and other combustible materials.

Sixteenth.—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Seventeenth.—To provide the town with water for the extinguishment of fires and for the convenience of the inhabitants.

Eighteenth.—To provide for inclosing, improving and regulating all public grounds and other grounds belonging to said town.

Nineteenth.—To provide for the erection of all needful buildings for the use of said town.

Twentieth.—To make all necessary regulations to secure the general health of the inhabitants thereof.

Twenty-first.—To license, prohibit and suppress the selling, bartering or exchanging, trafficking in wine, rum, gin, brandy, whisky, ale, or strong beer, or any other intoxicating liquors within the limits of said town, and to prevent the giving away of the same by any trader, dealer, shop or tavern keeper, to be used as a beverage.

Twenty-second.—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of their officers.

Twenty-third.—To make all ordinances which shall be necessary and proper to carry into execution the power specified in this act or which they may deem necessary and expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, in assaults, assaults and batteries, riots and affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense.

§ 10. That the president and board of trustees of said town shall have power to appoint street commissioners, board of health, and other officers that may be necessary, and to prescribe their duties, and to require bonds from the several officers for the faithful discharge of their duties.

§ 11. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time and place and manner of the publication of each ordinance and by-law, in a book to be provided for that purpose. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, if there be one, or by posting up notices of the same in three of the most public places in said town. The book or books, purporting to be the record of the corporation of said town of Iuka, or a duly certified transcript thereof, shall be received in all courts, without further proof, as evidence of all such matters therein contained.

§ 12. Any fine, forfeiture or penalty incurred under this act, or any by-laws or ordinance made in pursuance of this act, or any act that may be passed amendatory to this

act, may be recovered, together with cost, before any justice of the peace of the proper county, in the name of the corporation; and the several fines, forfeitures and penalties for breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be by summons, unless oath or affirmation be made by some credible person; but in all cases of assault, assault and battery, affray, or riot, a warrant shall be issued for the offender or offenders, in the same manner as for like offenses against the laws of this state. It shall be lawful to declare for debt, generally, for such fines, penalties and forfeitures, stating the clause of this act or the ordinance or by-law under which the same is claimed, and to give the special matter in evidence under the declaration; and the parties shall proceed to hear and determine the cause, as in other cases. Upon the rendition of judgment for any fines, penalties or forfeitures, the justice shall issue his execution for the same and cost of suit, which may be levied upon any personal property of the defendant or defendants, not exempt from execution. If the constable shall return upon such execution "no property found," or not sufficient to satisfy the same then the justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or her or them to the common jail of the county, to remain ninety-six hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every one dollar over and above said five dollars, and so in proportion to the amount of judgment and cost: *Provided however*, the said president Proviso. or trustees, or their attorney, shall require a transcript of said judgment and cost to be certified to the clerk of the circuit court of the proper county, to have the same levied upon the real property, and signify the same, in writing to him, the justice shall not issue a *capias* aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings to law to said clerk, which shall be filed and recorded as in other cases. And such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided*, an appeal may be granted Proviso. within five days after the rendition of judgment, with the same force and effect, rights and privileges to parties, as in other cases.

§ 13. The president and trustees shall not be required Security—costs. in suits instituted under this act, or any ordinance passed by virtue thereof, to file, before the commencement thereof, any security for costs.

§ 14. All fines, forfeitures or penalties received or collected for the breach of any ordinance under the provisions of this act, and all moneys received for license for groceries, Disposition of fines.

or otherwise, shall be paid into the treasury of said corporation by the officer or person receiving the same.

Exemption from
road labor, etc.

§ 15. The inhabitants of said town are hereby exempt from working on any road beyond the limits of said corporation, and from paying tax on any property within its limits, to procure laborers to work on any such road.

§ 16. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within the state, without proof, and to be in force from and after its passage.

APPROVED February 9, 1867.

In force Feb'y
13, 1867.

AN ACT to incorporate the town of Carmi.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the the town of Carmi, in the county of White, and state of Illinois be, and they are hereby constituted a body politic and corporate, by the name and style of the "Town of Carmi," and by that name have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style

Boundaries.

§ 2. The boundaries of said town shall include within their limits, all that district of country known as "the north-east quarter of section thirteen, the north half of the south-east quarter of section thirteen, the north-east fourth of the south-west quarter of section thirteen, and the east half of the north-west quarter of section thirteen, all in township five south, of range nine east, in said county of White.

Corporate powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said town, and to purchase, receive and hold real property beyond the limits of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto, as natural persons.

Additions.

§ 4. That whenever any tract of land adjoining the said town of Carmi, shall be laid off into town lots and recorded according to law, the same shall be annexed to and form a part of said town.

ARTICLE II.

OF THE TOWN COUNCIL.

§ 1. There shall be a town council, to consist of five trustees, to be chosen annually by the legal voters of said town. Qualified trustees.

§ 2. No person shall be a member of the town council, unless he shall be at the time of, and shall have been for six months immediately preceding his election, a resident of said town, twenty-one years of age, and a citizen of the United States.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated. Vacancy.

§ 4. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections. Returns, etc.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Quorum.

§ 6. The town council shall have power to make rules for its proceedings, and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance. Rules of proceedings, etc.

§ 7. The town council shall keep a journal of its proceedings.

§ 8. No member of the town council, during his term of office, shall be appointed to any office under the authority of the council.

§ 9. All vacancies that may occur in the town council shall be filled by election.

§ 10. Each and every member of the town council shall take and subscribe an oath, before entering upon the duties of his office, that he will support the constitution of the United States, and of the state of Illinois, and that he will well and truly perform the duties of his office to the best of his ability. Oath of office.

§ 11. Whenever there shall be a tie in the election of any member of the town council, or other officer elected thereof, the judges of said election shall certify the same to some acting justice in said town, or the one residing nearest thereto, who shall determine the same by lot, as shall be provided for by ordinance. Tie vote.

§ 12. There shall be twelve stated meetings of the town council in each year, at such times and places as may be prescribed by ordinance. Stated meetings

ARTICLE III.

ELECTIONS.

Election of
officers.

§ 1. On the first day of May next, between the hours of one and five o'clock P. M., an election shall be held at the court house, in said town of Carmi, for five trustees, one police magistrate, one treasurer and one town constable, and forever thereafter on the first Monday of the month of May, in each year, there shall be an election held for such officers. At the first election thereof, the legal voters of said town, when assembled, shall choose three of their number to act as judges, and two of their number to act as clerks of said election, who shall, at the close of said election, certify to those elected the fact of their election, and all succeeding elections shall be provided for by ordinance of the town council by this act created.

Qualified voter

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town for thirty days next preceding said election, shall be entitled to vote for said officers.

ARTICLE IV.

POWERS OF TOWN COUNCIL.

Taxes.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said town, as provided in section nine of the act entitled "An act to incorporate towns and cities," approved February 10, 1849, at a rate not exceeding one-half of one per centum on the assessed value thereof.

Officers.

§ 2. The town council shall have power to appoint a clerk, supervisor of streets, and all such other officers as may be necessary, and to require all officers appointed in pursuance of this charter, bonds, with such penalties and securities for the faithful performance of their duties as may be deemed expedient.

Debts and ex-
penses.

§ 3. To appropriate money for the use of, and to provide for the payment of the debts and expenses of said town.

Sanitary meas-
ures.

§ 4. To make regulations to secure the general health of the inhabitants of said town, and to declare what shall be considered a nuisance, and to prevent and remove the same.

Streets, alleys,
etc.

§ 5. To provide the town with water; to sink and keep in repair wells and pumps in the streets of said town, for the convenience of the inhabitants thereof.

§ 6. To make sidewalks, to open, alter, extend, grade, pave, vacate, or otherwise improve and keep in repair the streets and alleys.

§ 7. To erect and keep in repair bridges and culverts, provided that the bridge over the Little Wabash river, in

said town, is to be and remain under the care and control of the county court of White county, Illinois. The town to exercise only police jurisdiction over the same.

§ 8. To prohibit indecent exposure of person in the streets, alleys, lanes or elsewhere in said town. Miscellaneous provisions—
licenses, etc.

§ 9. To erect market houses, and to establish markets and market places, and to provide regulations for the government thereof.

§ 10. To provide for inclosing, improving and regulating all public grounds which now, or may hereafter, belong to said town.

§ 11. To license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers, exhibitions, shows and other amusements, and also all groceries, and drinking houses.

§ 12. To prohibit gambling houses, disorderly houses and houses of ill fame.

§ 13. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies.

§ 14. To regulate the storage of gunpowder, tar, and other combustible materials.

§ 15. To provide for taking enumeration of the inhabitants of said town.

§ 16. To regulate the election of town officers, and to provide for the removal of any person holding an office created by ordinance.

§ 17. To fix the compensation of town officers, and to regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance: *Provided*, that the first board shall receive no compensation for their services, and that each board shall have the right to fix the salary of the next board; and, also, in no case shall their compensation exceed the sum of \$25 per annum, each.

§ 18. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.

§ 19. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all the powers specified in this act, so that such ordinances are not repugnant to or inconsistent with the constitution of the United States or of the state of Illinois. Ordinances.

§ 20. The style of all ordinances shall be, "*Be it Ordained by the Town Council of the Town of Carmi.*"

§ 21. All ordinances of the town may be proven by the seal of the corporation, or, when recorded or published in book or pamphlet form, the same shall be received in evidence, in all courts and places, without further proof. Publication of.

Police magis-
trate.

§ 22. It shall be the duty of the police magistrate or any justice of the peace in said town, and he is hereby authorized and empowered, on view or on complaint being made to him upon oath, of the violation of any law or ordinance of said town, to issue his warrant, directed to the town constable, or, in his absence, to any constable, or to any person authorized by him, to apprehend the offender or offenders, and to bring him, her or them forthwith before him; and, after hearing the evidence, if it shall appear that the accused has been guilty of a violation of any of the laws or ordinances of said corporation, to impose such fine or imprisonment as may be provided in such laws and ordinances of said corporation for a breach thereof.

Recovery of
fines, penalties
etc.

§ 23. Any fine, penalty or forfeiture incurred under this act or under any by-law or ordinance made in pursuance of this act, or of any act that may be passed amendatory thereof, may be recovered, together with costs, before the police magistrate or any justice of the peace in said town, in the corporate name of said town; and the several fines, forfeitures or penalties for breaches of the same ordinance or by-law, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person; but in all cases of assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. Upon rendition of judgment for any fines, penalties or forfeitures, the police magistrate or justice shall issue his execution forthwith for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants not exempt from execution. If the constable return such execution "no property found," the police magistrate or justice shall issue a capias against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the county jail, there to remain in imprisonment for the length of time fixed by the ordinance under which he, she or they may be convicted.

President.

§ 24. The town council, at its first meeting after its election, shall elect one of their number president of the council.

ARTICLE V.

OF THE PRESIDENT.

Presiding officer

§ 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other; and, in case of his non-attendance at any meeting of the council, the council shall appoint one of their number to preside at the meeting.

§ 2. The president, or any two members, of the council, may call special meetings of the town council. Special meet-
ings.

§ 3. The president shall have power, whenever he shall deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act. Exhibit books
and papers.

ARTICLE VI.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for opening or altering the same; but no compensation shall be allowed to those petitioning for the property so taken; and in no case shall any street or alley be opened or altered, except on such petition. Petitions for
opening streets
and alleys.

ARTICLE VII.

§ 1. The inhabitants of the town of Carmi are hereby exempted from working upon any road beyond the limits of the corporation, and from payment of any tax for procuring labor to be done upon any such road. Exemption from
road labor.

§ 2. The town council shall have power, when it may be necessary, for the purpose of keeping in repair the streets and alleys of said town, to require every able-bodied male inhabitant of said town over twenty-one years of age, and under fifty, to labor on said streets and alleys not exceeding five days in each year; and any person failing to perform such labor, when duly notified by the supervisor of said town, shall forfeit and pay the sum of one dollar to said town for each and every day so neglecting or refusing. Street labor.

§ 3. The town council shall cause to be posted at the court house door, in said town of Carmi, or published in some newspaper, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended. Annual state-
ment.

§ 4. All suits, actions and prosecutions instituted by the corporation hereby created shall be instituted and prosecuted under the name and style of "The Town of Carmi;" and all fines, forfeitures and penalties incurred under this act, or under any law or ordinance made in pursuance thereof, or of any act amendatory thereof, and all moneys received for licenses from the sources mentioned in section 11, of article 4, of this act, shall inure to the corporation, and be paid into the town treasury, and shall be subject to the disposal of the town council, as in the case of other moneys received by the town. Suits at law.

Appeals.

§ 5. Appeals shall be allowed in all cases arising under any ordinance passed in pursuance of this act to the circuit court, in like manner and under the same requirements, that appeals are taken from justices of the peace in civil cases under the statute.

Vacancy.

§ 6. Whenever any of the offices enumerated herein shall become vacant, by death or otherwise, the town council shall immediately cause such vacancy to be filled by election.

§ 7. This act is hereby declared a public act, and may be read in all courts without proof.

Writs.

§ 8. The town constable or any other constable in the county shall have the power to execute all writs or other processes issued under any ordinance, and receive the same fees allowed constables in like cases under the statute.

§ 9. This act is to take effect from and after its passage.
APPROVED February 13, 1867.

In force March
7, 1867.

AN ACT to incorporate the town of Orangeville.

Name and style

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Orangeville, in the county of Stephenson, and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Orangeville;" and, by that name and style, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Powers of corporation.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead, defend and be defended, in all courts of law and equity, and in all actions, whatever; and purchase, receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town, and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and to do all things in relation thereto as natural persons.

Boundaries.

§ 3. The boundaries of said corporation shall include all of the southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the northeast quarter of the southwest quarter, of section number thirty-six, township number twenty nine, range seven east: *Provided, nevertheless,* the president and trustees of said

Proviso.

town may, at any time, by ordinance, prescribe other and different boundaries for said town, not exceeding one mile square.

§ 4. That there shall, on the first Monday of April next, be elected five trustees, and on every first Monday of April thereafter, who shall hold their offices for one year and until their successors are duly elected and qualified; and public notice of the time and place of holding said election shall be given by the president and trustees of said town, by an advertisement published in a newspaper of said town, or posting it up in at least three of the most public places in said town—the first notice of election to be given by William Herbert, or by any of the qualified voters of said town. Peter McHoes, Peter Lattizz, Charles Moore and William Herbert, or any three of them, shall prescribe the manner in which the election or elections for the organization under this charter shall be conducted. No person shall be elected trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state or county tax; and all male inhabitants of twenty-one years of age and over, who have resided in said town six months preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur for a longer time the board shall give ten days' notice that an election will be held for the purpose of filling said vacancy. The trustees shall be judges of the election, qualifications and returns of their own members—a majority of whom shall constitute a quorum to do business; but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such a manner and under such penalties as they may provide; and punish their members for disorderly conduct, and, by a vote of three-fifths of the whole number elected, expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient.

Election of officers.

Notice of election.

Qualified trustees.

Qualified voters.

Vacancies.

Judges of elections.

Quorum.

Expulsions.

§ 5. The president and trustees of said town shall have power—

First.—To cause all the streets and alleys and public roads within the limits of said town to be kept in good repair, and, to this end, they shall require every male resident of said town, over the age of twenty-one years, to labor on the same not exceeding three days in each and every year; and, if such labor shall be deemed insufficient for that pur-

Street labor.

pose, to appropriate so much from the general funds of the corporation as they shall deem necessary therefor.

Street repairs.

Tax for.

Second.—To make, construct and keep in repair sidewalks and pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts; and, until the said president and trustees shall provide, by ordinance, for levying and collection of said tax, they shall enter upon the records of the corporation, whenever they desire to collect such a tax, a resolution that such tax shall be levied and collected, and the number of the lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court. It shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporate taxes.

Taxes, etc.

Fourth.—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide, by ordinance, for enforcing the payment thereof, they shall be collected in the manner provided in the ninth section of the act aforesaid.

Animals at large

Fifth.—To restrain, regulate or prohibit the running at large of any cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding, and sale of the same, and to prohibit any indecent exhibition of horses or other animals.

Sixth.—To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance.

Seventh.—To prevent horse racing or any immoderate riding or driving within the limits of said town of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town.

Public pounds.

Eighth.—To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

Exhibitions.

Ninth.—To license, regulate and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.

Tenth.—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries or shooting within the limits of said town. To license, tax and regulate.

Eleventh.—To abate and remove nuisances, and to punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Twelfth.—To make regulations to prevent the introduction of contagious diseases into town, and to execute the same for any distance not exceeding two miles from the limits thereof.

Thirteenth.—To regulate the storage of gunpowder and other combustible materials.

Fourteenth.—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Fifteenth.—To provide the town with water for the extinguishment of fires, and for the convenience of the inhabitants.

Sixteenth.—To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town.

Seventeenth.—To provide for erecting all needful buildings for use of said town.

Eighteenth. To restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit billiard tables, ball alleys, and other gaming establishments.

Nineteenth.—To suppress and prohibit disorderly houses or groceries and houses of ill-fame.

Twentieth.—To make all necessary regulations to secure the general health of the inhabitants thereof.

Twenty-first.—To suppress and prohibit the retailing or selling, bartering, exchanging and traffic of any wine, rum, gin, brandy, whisky or other intoxicating liquors, within the limits of said town: *Provided*, that they may allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes, and for no other purpose.

Twenty-second.—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.

Twenty-third.—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act; and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in Necessary ordinances.
Fines, etc.
Proviso.

no case, except in assaults, assaults and batteries, riots or affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense.

Constable—oath
of office—duties of.

Proviso.

Clerk's duties.

Publication of
ordinances.

Recovery of penalties, etc.

§ 6. That the president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute, any where in the county of Stephenson, any writ, process or precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest, on view, any and all persons who may violate the same, and to take them before any justice of the peace of said town, and collect any fine, forfeiture and penalty which may be assessed or recovered, for the use of said town: *Provided*, that any other constable may execute any process issued by any justice of the peace by virtue of this act; also, to appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties; and may require bond from the several officers for the faithful discharge of their duties.

§ 7. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the times, places and manner of the publication of such ordinances and by-laws, in a book, to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Orangeville, shall be received in all courts, without further proof, as evidence of all such matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies of the same in three of the most public places in said town.

§ 8. Any fine, penalty, or forfeiture received under this act, or any by-laws or ordinances made in pursuance of this act, or of any act which may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the incorporate name; and the several fines, forfeitures and penalties for breach of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person; but in all cases of assaults, assaults and batteries, affrays or riots, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. It shall be lawful to declare, generally, for debt for such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-law under which the same are claimed, and to give the special matters in evidence under the declaration, and the justice shall proceed to hear and determine the case, as in other cases. Upon the rendition of judg-

ment for any such fines, penalties or forfeiture, the justice shall issue his execution for the same and costs of suits, which may be levied upon any personal property of defendant or defendants, not exempt from execution. If the constable shall return upon such execution "no property found," then the justice of the peace shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit Arrests. him or them to the jail of the county, to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above said five dollars, and so in proportion to the amount of the judgment and costs: *Provided, however,* if the said president or trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real estate, and signify the same, in writing, to him, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings thereof, according to law, to such clerk, which, shall be filed and recorded, as in other cases; and such judgments shall have the same force and effect as judgments rendered in the circuit courts: *Provided,* an appeal may be Proviso. granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties as in other cases.

§ 9. The justice of the peace and constable who may render service under this act shall be entitled to the same fees, and collect them in the same manner, as is or may hereafter be provided by law in other cases. Police justice and town constable—fees.

§ 10. The president and trustees shall not be required, Security—costs in suits instituted under this act or ordinance passed by virtue thereof, to file, before the commencement of any such suit, any security for costs.

§ 11. All fines, forfeitures and penalties received or collected for the breach of any ordinance of this act shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same. Disposition of funds.

§ 12. The inhabitants of said town are hereby exempted from working on any road beyond the limits of the corporation, and from paying any tax upon property within the limits to procure laborers to work any such road. Exemption from road lab'r

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof. Evidence of act.

§ 14. At the election to be held on the first Monday of April next, as provided for in the fourth section of this act, the electors voting at said election, shall write or print on their ballots the words "For incorporation," or "Against incorporation;" and if at said election a majority of said Act submitted to legal voters.

voters shall be "For incorporation," then this act shall be in full force and effect; otherwise void and inoperative.

§ 15. This act to take effect from and after its passage.

APPROVED March 7, 1867.

In force Feb'y
25, 1867.

AN ACT to extend the corporate powers of the town of Lexington.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Lexington, in the county of McLean, and state of Illinois, be and they are hereby constituted a body corporate and politic, by the name and style of "The Town of Lexington," and, by that name, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style

Limits.

§ 2. The corporate limits of said town shall embrace the original town of Lexington, as laid out and platted by Asahel Gridley and James Brown; the northern addition, as laid out by Asahel Gridley; Fulwiler's and Okeson's first and second additions; and Fell's first and second additions to said town of Lexington, as per plats or profiles recorded in the office of the county clerk of the county of McLean, aforesaid—said plats, as recorded, to be taken entire, embracing all in and out-lots, pieces or parcels of land, as described by the survey or surveys, and platted, as aforesaid, including the land of the Chicago and Alton Railroad Company, on the north-west of Fulwiler and Okeson's additions, aforesaid.

Additions.

§ 3. Whenever any tract of land adjoining the said town of Lexington shall be laid off into town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the said town of Lexington, and be subject to the requirements and conditions of this charter.

Corporate powers.

§ 4. The inhabitants of said town of Lexington, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the corporate limits of said town; also, to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds, and other purposes, for the use and benefit of the inhabitants of said town of Lexington, as well, also, to sell, lease and improve the same, for the benefit, as aforesaid, and to do all other things in relation thereto as natural persons.

ARTICLE II.

OF THE TOWN COUNCIL.

§ 1. There shall be a town council, to consist of five Trustees, trustees, to be chosen annually on the second Monday in the month of April, by the qualified voters of said town of Lexington, who shall elect one of their number president of the council.

§ 2. If any member of the town council, aforesaid, shall, during the term of his office, remove from the said town, his office shall thereby be vacated. Vacation of office.

§ 3. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

§ 4. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance. Absentees

§ 5. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, by a two-thirds vote of the members elected, expel a member. Rules of proceedings.

§ 6. The town council shall keep a journal of all its proceedings, and, from time to time, may publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal; and all vacancies that may occur in the said town council shall be filled in such manner as the said council may determine and appoint. Journal of proceedings.

§ 7. Each and every person elected a member of said town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, in addition to the oaths prescribed by the constitution of this state, that he will well and truly perform the duties of said office to the best of his ability. Oath of office

§ 8. Whenever there shall be a tie in the election of members of the town council, aforesaid, the judges of election shall certify the same to a justice of the peace nearest the place of election, who shall determine the same, by lot, in such manner as shall be prescribed by ordinance. Ties.

§ 9. There shall be stated meetings of the town council, aforesaid, in each year, at such times and places as may be prescribed by ordinance. Meetings.

ARTICLE III.

OF ELECTIONS.

§ 1. On the second Monday of April next ensuing the date hereof, an election shall be held in said town of Lex- Elections.

ington for the election of five members of the town council, aforesaid; and forever thereafter, on the second Monday in April of each year, there shall be an election held for said officers. The first election shall be held and conducted and returns thereof made as provided by ordinance of the present president and trustees of said town; and all succeeding elections to be provided by ordinance of the town council by this act created.

Qualification of
voters.

§ 2. All persons who may be entitled to vote for state officers, and who shall have resided in said town for sixty days next preceding said election, shall be entitled to vote for said officers.

ARTICLE IV.

OF THE POWERS OF THE TOWN COUNCIL.

Taxes—rates of
—how collect-
ed.

§ 1. The town council, aforesaid, shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said town, not exceeding one per centum per annum upon the assessed value thereof; and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

Appointment of
officers—bonds
of.

§ 2. The town council, aforesaid, shall have power to appoint a clerk, treasurer, assessor, marshal, constable, street commissioner, and such other officers as may be necessary, requiring of them, severally, bonds, with such penalties and securities for the faithful performance of the duties required, as may be deemed just and expedient; and before entering upon the duties of their appointment they shall each be required to take the same oath or affirmation, in the same manner, provided in section seven (7) of article two (2) of this act.

Debts and ex-
penses.

§ 3. To appropriate money, and provide for the payment of the debts and expenses of the town.

Diseases.

§ 4. To make regulations to prevent the introduction of contagious diseases, and enforce the same within five miles thereof; to establish hospitals, and make regulations for the government of the same.

Health of town.

§ 5. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance; to prevent and remove the same.

Water.

§ 6. To provide the town with water, to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

Street and alley
improvements

§ 7. To lay out, open, alter, abolish, extend, establish, grade, pave or otherwise improve and keep in repair public grounds, squares, streets, avenues, lanes and alleys; also, to establish a line regulating the buildings on each side of the business streets and thoroughfares.

§ 8. To establish, erect and keep in repair bridges.

§ 9. To provide for lighting the streets and erecting lamp-posts.

§ 10. To establish, support and regulate night watchmen.

§ 11. To provide for erection of all needful buildings for the use of said town.

§ 12. To provide for inclosing, improving and regulating all public grounds belonging to said town.

§ 13. To license, tax and regulate auctioneers, merchants, retailers, taverns, hawkers and peddlers: *Provided*, no fee shall be charged the person applying, if a resident of said town, and is assessed therein for taxes.

§ 14. To license, tax and regulate hackney-carriages, coaches, omnibuses, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, cartage and drayage of property.

§ 15. To license, tax, regulate and suppress theatrical and other shows and amusements.

§ 16. To prohibit and restrain tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses within said town or within one mile thereof: *Provided*, that in no case shall the town council, aforesaid, grant a license to any person or persons to barter, sell or traffic in intoxicating drinks or liquors of any kind, as a beverage; or license any house of ill fame, or any species of gambling whatever within the said corporate limits or within one mile of the same.

§ 17. To prevent encumbering streets, squares and alleys of said town; to plant and protect shade and ornamental trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep and other animals, and to provide for distraining and impounding the same, and to provide for the forfeiture or sale of the same for any penalty incurred, and to enforce penalties upon the owners of such animals for the violation of any ordinance in relation thereto; to prevent the firing of squibs, rockets, guns or other combustibles or firearms within the limits of said town.

§ 18. To provide for the prevention and extinguishment of fires, and organize and establish fire companies, and regulate the building of chimneys and flues in said town.

§ 19. To regulate the storage of gunpowder, tar, pitch, rosin, spirits, benzine, turpentine and other combustible materials and ashes; to regulate and order parapet walls and division fences.

§ 20. To provide for the inspection and weighing of grain, hay and stone coal, the inspection and measurement of fire wood and other fuel to be sold and used in said town; to regulate the inspection and weight of butter, lard,

beef, pork and other provisions ; to provide for taking the enumeration of the inhabitants of said town.

License, tax and regulate.

§ 21. To regulate the election of town officers, and to provide for the removal of any person from office created by this act or by ordinance.

§ 22. To fix the compensation of all town officers ; to regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

§ 23. To regulate the police of the town ; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of fines and forfeitures, and the enforcement of such penalties.

§ 24. To suppress and prohibit billiard tables, ball alleys, faro boards, lotteries, horse-races, and all other kinds and means of gambling within said town and within one mile thereof, but not to license the same.

§ 25. To erect, build and maintain a calaboose.

Ordinances.

§ 26. The town council, aforesaid, shall have power to make all ordinances necessary and proper for carrying into execution the powers specified in this act, not inconsistent with nor repugnant to the constitution of the United States or of this state.

§ 27. The style of the ordinances shall be in form, viz : "*Be it ordained by the Town of Lexington.*"

Publication of ordinances.

§ 28. All ordinances passed by the town council, aforesaid, shall, within one month, from the date of such passage, be published in some newspaper published within said town or by posting copies of the same in three of the most public places in said town, and shall not be in force until they shall have been published or posted as aforesaid ; and the certificate of the clerk of said town or a certified copy thereof shall be held in all courts and places as sufficient evidence of publication or posting.

Proof of ordinances.

§ 29. All ordinances of the town may be proven by the seal of the corporation, and, when printed in book or pamphlet form and purporting to be printed or published by authority of the corporation, the same shall be received in evidence, without further proof, in all courts and places.

ARTICLE V.

OF THE PRESIDENT.

President.

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote. In case of his absence at any meeting, the council shall appoint one of their number chairman, *pro tem*.

Special meetings.

§ 2. The president or any two members of the council may call a special meeting of the town council.

Enforcement of ordinances.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town ; he shall inspect the conduct of all the subordinate

officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished, and shall, from time to time, communicate to the council such information and recommend such measures as in his opinion may tend to the improvement of the finances, police, health, security and ornament of the town.

§ 4. The president or town constable, or any justice of the peace of said town, are hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof or in preserving the public peace; and any person who shall not obey such call shall forfeit to the town a fine not exceeding ten dollars. Penalties.

ARTICLE VI.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. Whenever it shall be necessary to take the property of any person, corporation or body politic, for the purpose of opening or altering, extending, establishing, making or improving any public square, street, avenue, lane or alley, the town shall make just compensation to the owners of such property, and pay or tender the same, before taking such property; and in case the amount of such compensation can not be agreed upon, the police magistrate of the town or any justice of the peace keeping an office in said town shall cause the same to be ascertained by a jury of three disinterested freeholders, in such manner as the town council may, by ordinance direct. Private property taken for public purposes.
Compensation.

§ 2. When all the owners of property on a street, square or alley proposed to be laid out, opened or altered, shall petition therefor, the town council shall provide for the laying out, opening or altering the same; but no compensation shall be, in such cases, allowed for such property so taken.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property affected by the locating, opening or changing, establishing, grading or otherwise improving any public square, street or alley, or any other improvement in this article named, except private drains, shall first be sworn to that effect, and shall return to the police magistrate or other justice of the peace having an office in said town their inquest, or assessment in writing, signed by such jurors or a majority of them: *Provided, always*, that in such assessment the jury shall take into consideration the benefits as well as injury happening to the owner of property taken or affected by any such improvement. Benefits, etc.

§ 4. The town council shall have power, from time to time, to cause any public square, street or alley or highway to be graded, paved, macadamized, planked or otherwise improved, and keep the same in repair, or to cause any lot Improvements.

in said town to be filled up; to cause cross or side walks, main drains and sewers and private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and regulate the same, and to lay out public squares, and to grade, improve, protect and ornament any public square, street, avenue, lane or alley, now or hereafter laid out.

Assessments.

§ 5. The expenses of any improvement mentioned in this article except private drains, may be assessed upon the real estate in said town, with the costs of proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto; and the residue of such expenses, after deducting said benefits, shall be equally assessed upon all the property, both real and personal, in said town, as provided in section seven of this article.

Streets and alleys.

§ 6. Whenever, in the opinion of the town council, the public good may require, or upon a petition of twelve legal voters of said town, the said council shall cause the construction of side-walks or street crossings upon any street or alley or any part thereof in said town.

Costs, etc.

§ 7. The town council shall keep an accurate account of the cost of the construction of all side-walks, built in said town in any one year, and shall annually cause a tax to be levied, not to exceed one-half of one per cent. on each dollar, on all the property, both real and personal, in said town, to defray the cost of constructing such side-walks and street crossings, and in levying such tax the council shall ascertain from the assessor's books of the township of Lexington the amount of taxable property in said town, and shall levy a per cent. thereon sufficient to cover the expenses aforesaid, and shall certify the rate per cent. to be levied to the clerk of the county court of McLean county, which shall be by him extended on the collector's book of Lexington township or the said town of Lexington, and collected as other taxes: *Provided*, where any benefits shall accrue to any lot, by reason of the construction of any side-walk, the same proceedings shall be had as in sections one, two, three, four and five of this article.

Public improvements.

§ 8. Whenever the inhabitants of said town, at an election, upon the call of said council or of ten legal voters of the same, shall, by a majority vote in favor of any public improvement therein and of appropriating therefor any sum not exceeding in any one year one-fourth of one per centum of all the taxable property of said town, the council shall be authorized to levy a special tax therefor, not exceeding the sum so voted, upon all taxable property of said town, and collect and hold and expend the same in such manner as the council may direct.

§ 9. All owners or occupants upon whose premises the town shall order and direct private drains, communicating with any main drain, to be constructed, repaired, relaid or cleansed shall make, repair, relay or cleanse such private

drains at their own private costs and charges in the manner and within the time prescribed by ordinances or otherwise; and, upon their failure so to do, the council may cause the same to be done and assess the expenses thereof upon the lots, respectively, and collect as the other assessments and taxes. A suit may, also, be maintained against the owner or occupants of such premises for the recovery of such expenses as for money paid for his use, at his request.

§ 10. All real estate within the limits of said town and all personal property belonging to persons residing therein shall be subject to taxation, and taxes may be levied and collected upon the same, for the use and benefit of said town, in such time and manner as the council shall by ordinance provide. Taxation.

§ 11. The town council may, by ordinance, direct that the assessment of the county or township assessor, of the property in said town, shall be deemed and taken as the assessment of said town, and that the clerk of the corporation shall certify to the clerk of the county court all persons and property taxable therein, with the taxes and assessments levied thereon; in which case they shall, by the county clerk, be entered on the tax books of Lexington township, and be collected with the county and state taxes; and the same fees shall be paid by the said town for actual services herein as may be prescribed by the revenue laws of the state for similar services. Collection of.

§ 12. Whenever there shall be a difference in opinion as to the line or lines of any streets, alleys or lots, or if the council shall be satisfied that any building line in said town is erroneous and incorrect, they shall have power to cause a survey thereof to be made by a competent surveyor; and the survey by him made, and the lines thereof by him made, shall be held and taken as the correct line of any such street, alley or lot. Liens.

ARTICLE VII.

§ 1. The town council may have power, for the purpose of keeping in repair the streets and alleys and public squares of said town, to require every able-bodied male inhabitant of said town, over the age of twenty-one years, and under fifty years, to labor on said streets, alleys and public squares, not exceeding three days in each year; and any person failing to perform such labor, when duly notified, shall forfeit and pay the sum of one dollar and a half to said town for each day so neglected or refused. Road labor.

§ 2. The inhabitants of the said town of Lexington are hereby exempted from working on any road more than one-half mile beyond the limits of said town, and from paying any tax for the same. Exemption.

Punishments.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail, or calaboose of said town, not exceeding thirty days for any one offense; and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and costs which may be recorded or adjudged against them, it shall be competent for the magistrate or court before whom the same shall be tried to direct that such offenders shall be committed to the county jail of McLean county, or calaboose of said town, until such fines, forfeitures and costs shall be paid, or otherwise discharged by due process of law.

Annual state-
ments.

§ 4. The town council may cause to be published, annually, a full and complete statement of all the moneys received and expended during the preceding year, and on what account received and expended.

Remain in force

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Lexington shall remain in full force until the same shall have been repealed by the town council hereby created; and the said president and trustees shall continue in office, and exercise all the powers with which they are now vested, until the town council hereby created shall have been elected and qualified.

Suits at law.

§ 6. All suits, actions and prosecutions commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the town of Lexington.

Prosecutions,
etc.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Lexington shall be vested in and prosecuted by the corporation hereby created.

Vested rights.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Lexington, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Invalidation.

§ 9. This charter shall not invalidate any act done or to be done by the president and trustees of the town of Lexington, nor divest them of any rights which have accrued to them prior to the passage of this act.

Appeals.

§ 10. Appeals shall be allowed, in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act, to the circuit court of McLean county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken and granted by justices of the peace to the circuit court in similar cases, under the laws of this state: *Provided*, that said corporation shall be allowed to appeal in any case in which it is a party, by causing its president or clerk to execute a bond, in the name of the corporation, in the form now prescribed by law in other cases, without

any security. An order entered upon the records of said corporation, directing said appeal, or approving the same, shall be sufficient evidence of authority to sign said bond.

§ 11. The president and trustees of the town of Lexington shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town. Promulgation of laws.

§ 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Evidence of act.

§ 13. The town marshal or constable or any other officer authorized to execute writs or any other process issued by the police magistrate or justice of the peace of said town, or any justice of the peace having an office in said town, shall have power to execute the same anywhere within the limits of the county of McLean, and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services as are allowed to constables in similar cases. Writs.

§ 14. The town council may, at any time hereafter, provide by ordinance for future elections by the inhabitants of said town of such officers as they may deem it advisable to have so elected: *Provided*, the inhabitants of said town shall have power to elect a police magistrate for said town, whenever it shall be so decided by a majority of the electors of said town at an election called by the town council, or on the call of twenty legal voters of the town. Future elections

§ 15. All fines and penalties, recoverable by indictment or actions, for any offenses committed within the limits of said town, and which are now required by law to be paid to the county treasurer, or to the school commissioner of said county, shall hereafter be paid to the town treasurer, for the use of said town. Disposition of fines and penalties collected

§ 16. Deeds of lands sold for taxes, heretofore made or hereafter to be made under the ordinances of the town of Lexington, or under this charter, may be executed by the president of the corporation hereby created, or by the sheriff of McLean county, and shall be acknowledged as other conveyances; and, when executed and acknowledged, as aforesaid, they shall be deemed and taken, in all courts and places, as *prima facie* evidence of the existing and regulating of all such prior proceedings, as might otherwise be required to be proved, in order to establish the title to the purchaser; and such deed shall be evidence, as aforesaid, without any proof of any proceedings prior to the issuing thereof: *Provided*, any lands sold for taxes under this charter, or under any of the ordinances of said town, shall be subject to redemption as in other cases of tax sales under the revenue laws of this state; and in no case shall the Deed prima facie evidence.

purchaser or purchasers be entitled to a deed for said lands until the expiration of two years from the time of sale.

Prohibition of
licenses.

§ 17. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Lexington to sell, traffic, barter, exchange or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's Stomach Bitters, Swain's Bourbon Bitters, Plantation Bitters, or any other bitters, of whatever name or kind, containing intoxicating liquors; and no person shall be permitted to bring into the said town of Lexington, or keep about his, her or their premises, saloon, cellar, dwelling house, out house, or in any other place in said town, or within one mile thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein in any way whatever. Any person violating any of the provisions of this section of this charter shall forfeit and pay to said town not less than twenty-five dollars nor more than one hundred dollars for each and every offense, to be recovered by an action of debt before any police magistrate or other justice of the said town, or any justice of the peace having an office in said town; and in case any offender shall refuse or fail to pay such fine or fines and costs, as may be adjudged or assessed against him, her or them, by said police magistrate or other justice of the peace, then said offender shall forthwith be committed to the county jail of McLean county, or the calaboose of said town, for a term of not less than thirty days, unless said fine or fines and costs be sooner paid.

Conflicting acts
repealed.

§ 18. All former acts of the legislature of the state of Illinois, granting power to said town of Lexington, contrary to or inconsistent with any of the provisions of this charter, be and the same are hereby repealed.

§ 19. This act shall be taken and deemed a public act, and be in full force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y
16, 1867.

AN ACT to incorporate the town of Colchester, in McDonough county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Colchester, in the county of McDonough, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Colchester;" and, by that name, shall have perpetual succession; and may have and use a

Name and style

common seal, which they may change and alter at pleasure; and in whom the government of the corporation shall be vested and by whom its affairs shall be managed.

§ 2. The boundaries of said town shall include within their limits all that district of country composed of the south half of the south-east quarter of section twelve, (12,) and the north-east quarter of section thirteen, (13,) -- all in township five north of the base line, and in range four west of the fourth principal meridian, and the south-west quarter of the south-west quarter of section seven, (7,) and the west half of the north-west quarter of section eighteen, (18,) in township five north of the base line, and in range three west of the fourth principal meridian. And the town council shall have the right to extend the limits of said town, by ordinance, so as to include a square tract of country not more than one mile east and west and north and south, in said town, from the public square of said town.

Boundaries.

Limits.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold real property beyond the limits of said town, for burial grounds, for the use of the inhabitants of said town, and to sell, lease convey and improve property, real and personal, for the benefit of said town; and to do all other things in relation thereto as natural persons.

Powers.

Power to hold property.

ARTICLE II.

OF THE TOWN COUNCIL.

§ 1. There shall be a town council, to consist of a president and four trustees, to be chosen, annually, by the qualified voters of said town.

Town council.

§ 2. No person shall be a member of the town council unless he shall be at the time of and shall have been six months immediately preceding his election, a resident of the town, and shall be, at the time of his election, twenty-one years of age, and a citizen of the United States, and a *bona fide* freeholder within the corporate limits of said town.

§ 3. If any member of the town council shall, during his term of office, remove from the town, his office shall thereby be vacated.

Vacation of office.

§ 4. The town council shall judge of the qualifications of electors and returns of its own members, and shall determine all contested elections.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such fines and penalties as may be prescribed

Quorum.

by ordinance, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Rules of proceedings.

§ 6. The town council shall have the power to determine the rule of its proceedings, and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance.

Journal.

§ 7. The town council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 8. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the council.

Vacancies.

§ 9. All vacancies that shall occur in the town council shall be filled by election.

Oath of office.

§ 10. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability.

Tie vote.

§ 11. Whenever there shall be a tie in the election of members of the town council, the judges of the election shall certify the same to the police magistrate who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Meetings.

§ 12. There shall be twelve stated meetings of the town council in each year, at such times and places as shall be prescribed by ordinance.

ARTICLE III.

TOWN OFFICERS.

Biennial election.

§ 1. There shall be elected in the town of Colchester, by the qualified voters thereof, on the first Monday of May, A. D. 1868, and on the [first] Monday in May biennially forever thereafter, a police magistrate and a town constable, who shall hold their offices for two years and until their successors shall be elected and qualified.

§ 2. No person shall be eligible to the office of police magistrate or to the office of town constable who shall not have been a resident of the town one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

Election of justice and constable.

§ 3. For the election of police magistrate, and town constable, the town of Colchester is hereby declared an election precinct, and such election shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables: *Provided*, that such elections shall be held at the same time

and shall be conducted by the same judges as the election for members of the town council.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and as such shall be a conservator of the peace of said town, and shall have power and authority to administer oaths, issue writs and process, to take depositions, acknowledgments of deeds and mortgages, and other instruments of writing, and certify the same as other justices of the peace, and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases, and he shall have power to sentence criminals convicted of offenses committed in the town of Colchester, punishable by imprisonment in the county jail; to sentence the same to be kept at labor on the streets of said town of Colchester.

Police magistrate to be commissioned as justice of the peace.

§ 5. The town constable shall have such power and authority, and be entitled to such fees and be placed under such bonds, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created; and shall have the same power and authority in all cases arising under the laws of the state of Illinois as other constables of McDonough county, and shall have the right to serve process as other constables at any place within the limits of McDonough county.

Constable.

§ 6. In case the police magistrate shall at any time be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppressive malconduct or partiality in the discharge of the duties of his office, as may be prescribed by the ordinances of the corporation, he shall be liable to be indicted in the circuit court of McDonough county, and, on conviction, shall be fined in any sum not exceeding three hundred dollars and removed from office.

Malconduct of police magistrate.

ARTICLE IV.

OF ELECTIONS.

§ 1. On the first Monday in May next an election shall be held in said town for the president and four members of the town council, and forever thereafter, on the first Monday in May in each year, there shall be an election held for said officers. The first election shall be held, conducted and the returns thereof made, as may be provided by ordinance, by the present president and trustees of the town of Colchester, and all succeeding elections as may be provided by ordinance of the town council by this act created.

First election.

Qualifications of
voters.

§ 2. All persons who are entitled to vote for the state officers and who shall have been actual residents of said town sixty days next preceding said election shall be entitled to vote for said officers.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Taxes.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the corporate limits of said town, not exceeding one-half per centum per annum, upon the assessed value thereof, which taxes shall constitute the general fund; and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of the state of Illinois.

Road labor.

§ 2. The town council shall have power, and it is hereby made the duty of every male resident of said town over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets, alleys and roads in said town, but any person may at his option pay the sum of three dollars to the street supervisor: *Provided*, the same shall be paid within ten days after notification by the supervisor. In default of payment, as aforesaid, the sum of five dollars and costs shall be collected, and no set-off shall be allowed in any suit brought to collect the same.

Attorney—fees.

§ 3. The town council shall have power to appoint an attorney to attend to all suits for breach of ordinances and other interests of the corporation, and shall have power to provide by ordinance for the taxation of his fees in each suit, not exceeding five dollars, and for the recovery of the same with other costs of suit.

Officers.

§ 4. The town council shall have power to appoint a clerk, collector, assessor, treasurer and supervisor of streets and all such other officers as may be deemed necessary, and to require all officers appointed under and in pursuance of this charter, to give bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient.

Oath of office.

§ 5. Also, to require all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

Appropriations.

§ 6. To appropriate money, and provide for the payment of the debts and expenses of the town.

§ 7. To provide the town with water, to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 8. To open, alter, abolish, extend, grade, pave or otherwise improve and keep in repair streets, alleys, and roads.

Miscellaneous provisions, regulations, etc.

§ 9. To erect and keep in repair bridges.

§ 10. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

§ 11. To provide for inclosing, improving and regulating all public grounds belonging to the town.

§ 12. To license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers.

§ 13. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

§ 14. To license, tax, restrain, prohibit and suppress billiard tables, tippling houses, dram shops, bowling alleys, and to suppress gaming and gambling houses, and other disorderly houses, and to suppress bawdy houses.

§ 15. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies.

§ 16. To prohibit the running at large of hogs and other stock; to prohibit the keeping of any stallion or jack-ass, and to regulate the keeping of the same within the limits of said town.

§ 17. To provide for the inspection and weighing of hay and stone coal, and provide for the weighing of wheat, corn, oats, barley, rye, and other grain, and to provide for the weighing of timothy and flax-seeds and lime and hay.

§ 18. To provide for taking enumerations of the inhabitants of said town.

§ 19. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

§ 20. To regulate the police of the town; to impose forfeitures, fines and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with the breach of any of the provisions of this act, or any ordinance.

§ 21. To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

§ 22. The town council shall have power, within the limits of the town, by ordinance, to prohibit and to suppress billiard tables and lotteries.

§ 23. The town council shall have exclusive power over the streets and alleys, and may abate any and all obstructions and encroachments therein, in such manner as may be provided by ordinance.

§ 24. To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of

trade; and to regulate, license and restrain the sale of fresh meats and vegetables in the town.

Miscellaneous
provisions, etc.

§ 25. To license, tax and regulate auctioneers, merchants and retailers, groceries and drinking saloons, tippling houses, dram shops, beer houses, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers and money-changers, and revoke such licenses at pleasure.

§ 26. To license, tax and prohibit dogs from running at large throughout the town, and authorize the destruction of the same when running at large contrary to ordinance.

§ 27. To provide, by ordinance, that every person against whom any judgment may hereafter be recovered, in favor of said town, for a penalty or fine for a breach of any ordinance, instead of being committed to the calaboose of said town or county jail, they may be required to labor on the streets until the whole fine and costs are paid, at the rate of one dollar per day.

§ 28. To fill up any place wherein standing water may be found, which may have been declared a nuisance by the said town council; to fill up, drain, cleanse, alter, re-lay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies; direct and regulate their construction and cause the expenses to be assessed and collected in the same manner as sidewalk assessments.

§ 29. To direct the speed at which locomotive engines shall be propelled within the town limits.

§ 30. To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shop, tannery, stable, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

§ 31. To prohibit, prevent and suppress horse-racing, immoderate riding or driving, in the streets and roads, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel all persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

§ 32. The town council of said town shall have power, by ordinance, to levy and collect a special tax on the owner or owners of the lot or lots on any street, lane, avenue or alley within said town, for the purpose of grading, paving or planking the sidewalks in front of their respective lots, and for keeping said side walks in repair, and for the purpose of lighting such street, lane, avenue or alley.

§ 33. To establish and maintain a public pound, and appoint a pound-master and prescribe his duties.

§ 34. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail, not exceeding

thirty days for any one offense, in all cases where the offender or offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 35. To regulate the storage of gun-powder and other combustible materials.

§ 36. To regulate and prevent the use of fire-arms and fireworks.

§ 37. To provide for the trial and punishment of persons who may be engaged in riots, routs, assaults and batteries and affrays, within the corporate limits of said town.

§ 38. To provide for the punishment of persons who may, at any time, disturb the peace of the inhabitants of said town or the deliberations or proceedings of any public meeting of said inhabitants, or of the town council while in session.

§ 39. To prevent, suppress and prohibit any disturbance of the peace, by loud and unusual noises, or any disorderly conduct, disorderly assemblage, firing of squibs, rockets, guns, or other combustibles or firearms, within the limits of said town.

§ 40. To authorize the proper officer of said town to grant and issue license, and to direct the manner of issuing and registering thereof, and the fee and charges to be paid therefor. No license shall be granted for more than one year; and not less than one dollar nor more than one hundred dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed one dollar; but no license for the sale of vinous or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery-keepers, inn-keepers or others, shall be issued for less than twenty-five dollars.

§ 41. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person, within the town or within one-half mile of the limits of said town, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

§ 42. The town council shall have power to pass, publish, amend, and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States or of this state, for the good government, peace and order of the town, and the trade and commerce thereof, that may be necessary or proper, to carry into effect the powers vested by this act in the corporation, the town government, or any department or office thereof; to enforce the observance of all such rules, ordinances or police regulations, and to punish violations thereof, by fines, penalties and imprisonment in the county jail or town calaboose; but no fine or penalty shall exceed three hundred dollars, nor the imprisonment thirty days for any offense; and such fine or penalty

Ordinances carrying out act.

Government.

may be recovered, with costs, in an action of debt, in the manner for the use of the town, before any court having jurisdiction and presentment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and, in default thereof, may be imprisoned in the county jail, town calaboose, or required to labor on the streets or other public works of the town, for such time and in such manner as may be provided by ordinance.

Style of ordinances.

§ 43. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Colchester.*"

Publication of ordinances.

§ 44. All ordinances passed by the town council shall, within one month after they shall have been passed, be published in some newspaper published in the county of McDonough, or in some other way to be provided by ordinance, and shall not be in force until they shall have been published as aforesaid.

Proof of ordinances.

§ 45. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in or book pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received as evidence in all courts and places, without further proof.

Old ordinances in force until repealed.

§ 46. All ordinances and resolutions passed by the president and trustees of the town of Colchester shall remain in force until the same shall have been repealed by the town council hereby created.

Suits at law.

§ 47. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Colchester.

Fines, etc.

§ 48. All actions, fines, penalties and forfeitures which accrued to the president and trustees of the town of Colchester for the use of the inhabitants of said town, shall be vested in and prosecuted by the corporation hereby created.

Vested property.

§ 49. All property, real and personal, heretofore belonging to the president and trustees of the town of Colchester, for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created.

Vested rights.

§ 50. This charter shall not invalidate any act done by the president and trustees of the town of Colchester, nor divest them of any rights which have accrued prior to the passage of this act.

Annual statements.

§ 51. The town council shall cause to be published, annually a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Health.

§ 52. The town council shall have power to secure the general health of the inhabitants of the town, and to declare what shall be a nuisance, and to prevent and remove the same.

§ 53. To regulate the election of town officers, and provide for removing from office any person holding office created by ordinance. Elections.

ARTICLE VI.

POWERS AND DUTIES OF OFFICERS.

§ 1. The president shall preside at all meetings of the town council, and shall have a casting vote and no other; and in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at the meeting. President.

§ 2. The president, or any two members of the town council, may call special meetings of the town council. Special meetings.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call, shall forfeit and pay to said town a fine not exceeding ten dollars. Duties of president.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

§ 5. He may be liable to indictment in the circuit court of McDonough [county] for palpable omission of duty, willful oppression, mal-conduct or partiality in the discharge of the duties of his office, and upon conviction, shall be fined not less than one hundred dollars, nor more than two hundred dollars, and the court shall have power, upon the recommendation of the jury to add as a part of the judgment that he be removed from office.

§ 6. The clerk shall keep the corporate seal and all papers and books belonging to the town; he shall attend all meetings of the town council, and keep a full record of their proceedings on the journals, and copies of all papers, duly filed in his office, and transcripts from the journals of the proceedings of the town council, certified by him, under the corporate seal, shall be evidence in all the courts in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the town council shall direct, and he shall have power to administer any oath required to be taken by this act, or any law of the state; to take depositions, the acknowledgment of deeds, Duties of clerk.

Warrants on treasury.

mortgages and other instruments of writing, and certify the same, under the seal of the town, which shall be good and valid in law.

Attorney.

§ 7. It shall be the duty of the town attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the president or town council, or its committees.

Duty of treasurer.

§ 8. The town treasurer shall receive all moneys belonging to the town, and shall keep an accurate account of all receipts and all expenditures, in such manner as the town council shall direct. All money shall be drawn from the treasury in pursuance of an order of the town council, by a treasury warrant, signed by the president and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the town council, at least ten days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Duties of assessor and collector.

§ 9. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the town council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists and having revised and corrected the same, he shall sign and return them to the town council. The collector shall collect all taxes and assessments which may be levied by the town council, and perform such other duties as may be herein prescribed or ordained by the town council.

Supervisor.

§ 10. The supervisor shall superintend and locate improvements in the town, and carry into effect all orders of the town council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying and re-laying of sidewalks; to give notice to the owners of property adjoining such sidewalk when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the costs thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the town clerk thereof to be laid before the town council; to make plans and estimates of any work ordered in relation to the streets and alleys, bridges, culverts or sewers; to keep full and accurate account in appropriate books of all appropriations made

Sidewalks.

for work pertaining to his office, and all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the town council.

§ 11. If any person, having been an officer of said town, shall not, within ten days after notification and request, deliver to his successor in office, the property, books, papers and effects of every description in his possession belonging to said town, or appertaining to his said office, he shall forfeit and pay for the use of the town fifty dollars, besides all damages caused by his refusal or neglect to deliver, and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of this State. Delinquent ex-officers.

§ 12. All officers elected or appointed under this act, shall be commissioned by warrant, under the corporate seal, signed by the president or presiding officer of the town council and the clerk. Commissions of officers.

ARTICLE VII.

OF PROCEEDINGS IN SPECIAL CASES.

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same before opening or altering such street or alley, and in case the amount of such compensation can not be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested freeholders of the town. Taking private property for public use.

§ 2. When all the owners of property on a street or alley, proposed to be opened or altered, shall petition therefor, the town council shall provide for the opening or altering the same; but no compensation shall be allowed to such owners for their property so taken. Petitions of the owners of property.

§ 3. All juries empaneled to inquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken for opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police justice their inquest, in writing, signed by each juror: *Provided, always,* in the assessments of such damages the jury shall take into consideration the benefit or the injury happening to the owner of the property proposed to be taken for opening or altering a street or alley by such opening or altering. Benefits and damages.

§ 4. The police justice shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside, and cause a new inquest to be made. Police justice.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Exempt from
road labor.

§ 1. The inhabitants of the town of Colchester are hereby exempted from working on any road or highway beyond the limits of the town, and from paying the tax in lieu thereof without said limits.

ines, etc.

§ 2. All fines, penalties and forfeitures inflicted by, or recovered before, the police magistrate or any justice of the peace, residing within said town, whether for violating the town ordinances or the laws of the state of Illinois, shall be paid into the treasury of said town; and it shall be the duty of said magistrate and all other officers, to account for and pay over all such fines, penalties and forfeitures as may be collected by them, to the treasurer of said town, on the first Monday in March, June, September and December, in each and every year hereafter.

Appeals.

§ 3. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing the clerk to execute a bond in the name of the corporation in the form now or which may hereafter be prescribed by law in other cases, without other security; and an order entered upon the records of said corporation directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

§ 4. The president and town council of said town shall, during their continuance in office, be exempt from road labor and serving on juries.

Removal of
police justice.

§ 5. Whenever the police justice or town constable shall remove from the town, resign or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling of such vacancy by an election.

§ 6. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

First process to
be summons.

§ 7. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Actions to re-
cover penalties

§ 8. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 9. Nothing in this act contained shall be so construed as to deprive the town council of said town of any power or authority conferred upon the same by the act incorporating said town; but the town council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority have been expressly modified or repealed by this act or the act heretofore mentioned.

Construction of
act.

§ 10. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 16, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Petersburg," approved February 23d, 1841. In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers heretofore granted and conferred by law, the board of trustees of the said town of Petersburg, shall have power, within the jurisdiction of said town, by ordinance, to license and regulate the selling or giving away of ardent spirits or intoxicating drinks by any shop keeper, tavern keeper, grocer or other persons; to forbid and prevent the selling or giving away of ardent spirits or other intoxicating drinks to any minor or apprentice or servant, without the consent of his or her parents, guardian, master or mistress; to prevent and suppress any riot or noise, disturbances or disorderly assemblage; to prohibit and restrain groceries, ordinaries and other places of business from keeping open on the Sabbath day or election day or in the night time; to prevent the firing of squibs, rockets, guns and other combustibles or fire arms within said town; to suppress all quarreling, open and notorious lewdness or other public indecency; to punish all breaches of the peace; to punish all persons guilty of language or conduct calculated to provoke a breach of the peace; to declare what shall be deemed malicious mischief, and to punish any person who shall be guilty of the same; to prevent and punish the sale of unwholesome provisions; to prevent horse racing, immoderate driving or riding in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; and to punish and prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets; to prevent and prohibit persons from driving, riding, leading or standing of any animal on the sidewalks, and to prevent any

Additional pow-
ers to license.
tax, etc.

To license, tax
and regulate.

crossing from being encumbered with horses, vehicles or anything; to compel all persons to keep the snow, ice, dirt and other obstructions from the sidewalks in front of the premises owned or occupied by them; to prevent the encumbering of the streets, lanes, alleys, public squares of said town; to prevent and regulate the playing of ball, flying of kites or any other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks or to frighten teams and horses; to suppress and punish vagrancy and to define what act shall constitute vagrancy and who shall be deemed vagrants; to punish any person for being drunk in any public place or place open to public view; to make regulations to prevent the introduction and spread of contagious and infectious diseases within the town; to direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables, and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit, within the limits of the town and to the distance of one mile therefrom, distilleries, breweries, slaughtering establishments, packing houses and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; to provide for and regulate the inspection and weighing of hay, corn and stone coal, and for the measurement of wood and fuel to be used or sold in said town; to direct and control the laying and construction of railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the town; to require that railroad tracks, bridges, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches, sewers and culverts, when the board of trustees shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the town; to control, regulate and repair, amend and clean the lanes, alleys, streets, bridges, side and cross walks, and to widen, open, straighten and vacate streets, lanes and alleys, and to establish and alter the grade thereof; to appoint an efficient police force, and to make rules and regulations for the government of the same.

Appointment of
officers.

§ 2. The board of trustees of said town of Petersburg shall have power to appoint a street commissioner, town clerk, town treasurer and such other officers and agents as may be provided by ordinance, who shall hold their offices

during the pleasure of the board of trustees and perform such duties, receive such compensation, and have such power and authority, and be placed under such bond, conditioned for the faithful performance of their offices, as may be prescribed by the ordinances of said town: *Provided*, that the office of town constable and street commissioner may be vested in the same person, and that any officer appointed to office by said board of trustees may be removed from the same by a vote of three-fifths of the whole number of trustees elected.

§ 3. There shall be elected by the qualified voters of said town, at the next regular election of trustees of said town, and every year thereafter, a town constable, who shall have such power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of said town; and shall have the same power, authority and fees, in all cases arising under the laws of this state, as other constables of the county, and shall have the right to serve process as other constables, at any place within the limits of the county of Menard: *Provided*, that the town constable shall not serve or execute civil process other than for the town, without the consent of the board of trustees, by resolution expressed: *Provided*, *further*, that whenever the office of town constable becomes vacant, by removal from said town, resignation, death or other cause, the town trustees shall cause the same to be filled by election, as they shall provide by ordinance, and that section No. 16 of the act of which this is an amendment shall be and remain in full force until the said town constable shall be duly elected and qualified.

Election for
constable.

§ 4. The board of trustees of said town shall require the town clerk, and it shall be his duty, to make and keep a full and correct record of all their proceedings, orders and ordinances, and of the time and manner of the publication of such ordinances and orders, in a book to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Petersburg, shall be received in all courts and places, without further proof, as evidence of all such matters therein contained; and all such ordinances, when printed or published in book or pamphlet form, and purporting, by its title, to be printed and published by authority of said board of trustees, the same shall be taken as *prima facie* evidence of the due passage, publication and promulgation of said ordinances, in all courts and places. The clerk shall keep the corporate seal, and all papers and books belonging to the town, and ordinances and orders, and the due publication thereof, and all other proceedings of the said board of trustees; and copies of all papers duly filed in his office, and all official acts of said

Duties of clerk.

town clerk may be proven in all courts and places by the certificate of said town clerk, under the seal of said town.

Sec. 18 of previous act amended.

§ 5. Section eighteen of the act to which this is an amendment shall be so amended, by striking out the word "fifty," before the word "dollars," and by inserting in lieu thereof the words "one hundred;" and that section nineteen of the same act be so amended that the board of trustees may fix, alter, enlarge and extend the limits and boundaries of said town: *Provided*, that they do not embrace exceeding three square miles of territory.

Appeals.

§ 6. The board of trustees may appeal, in all cases arising under the ordinances of said town, under this act or the act to which this is an amendment, without giving security; and the town clerk, in cases of appeals by the town, shall execute a bond, in the name of the president and trustees of said town, under the corporate seal, without securities; and a resolution or ordinance of the board of trustees, authorizing the same, shall be sufficient authority, nor shall the town, in any case, be required to file bond or security for costs.

Taxes.

§ 7. The board of trustees shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum per annum upon the assessed value thereof; and may assess and enforce the collection of the same, by ordinance, not repugnant to the constitution and laws of this state or of the United States; or the said board of trustees may, if they think proper so to do, by order, resolution or ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector of Menard county.

Extension of tax.

§ 8. If said board of trustees determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is by law to extend the tax by existing laws, notice of their determination so to do; which notice shall be a copy of their records, and also the rate of taxation; and, upon the receipt of such notice, the said tax shall be extended and collected and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent said board of trustees from providing for the assessment and collection of such taxes by ordinance.

Drains, etc.

§ 9. All owners or occupants of real estate in front of or adjacent to or upon whose premises the board of trustees of said town shall order or direct any sidewalk or private

drain constructed shall construct such sidewalk or private drain, at their own cost and charges, in the manner and of the dimensions and materials prescribed by the said board of trustees, and within such reasonable time, not exceeding twenty days, as said board of trustees shall prescribe; of which time and order notice shall be given to such owner or occupant, by personal service or by leaving a copy thereof at his usual place of abode, or by publication for one time in some newspaper published in said town. If the said owner or occupant shall fail or neglect to construct the sidewalk or private drain in the time and manner and of the dimensions and materials prescribed by the board of trustees, said board of trustees may cause said sidewalk or private drain to be made and paid for, and afterwards cause the expense thereof, together with all costs, to be reimbursed to said town, by suit against the said owner or occupant, as for money paid or laid out for his use and at his request. Said suit may be commenced before any justice of the peace in Menard county or in the circuit court of said county. In case the defendant in any such suit is a non-resident or can not be found on due inquiry, proceedings may be commenced against the property, as in other cases of attachments, under the laws of this state. The expense and costs of constructing or repairing any sidewalk or drain, and done by said town as aforesaid, shall be a lien on the adjacent premises for the term of one year from and after the completion of the work.

§ 10. It shall be the duty of the owner or occupant of any real estate in said town to repair and hereafter keep, at all times, in a safe condition and thorough state of repair, the side walks in front of or adjacent to their respective premises, at the direction and under such rules and regulations as the said board of trustees may establish. Repairs of side-walks, etc.

§ 11. For any neglect or refusal to comply with any order of the board of trustees in the two preceding sections referred to, or to comply with any of the requirements of said sections, the said board of trustees may, by ordinance, impose upon the owners or occupants aforesaid such penalties, not exceeding ten dollars per day for each day's refusal or neglect, as the board of trustees shall deem proper. Neglect and refusal.

§ 12. When any owner of such premises, residing in said town or elsewhere, shall be an infant, and any proceedings had under this act shall render it necessary, the county court of Menard county, or the judge thereof, may, upon the application of the clerk of said town, of such infant, or of his next friend, appoint a guardian for such infant, whether said infant be present or not, taking security from the guardian for the faithful execution of such trust; and all personal notices and summons required by this act or ordinance of said town may be served on such guardian. Infants, etc.

Amending and
repealing or-
dinances.

§ 13. The board of trustees of said town shall have power to make, pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States and of this state, for the good government, peace and order of the town and the trade and commerce thereof, that may be necessary or proper, to carry into effect the powers vested by this act and the act to which this is an amendment in the corporation, the board of trustees of the town, or any officer or department thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, consistent with the provisions of the act to which this is an amendment and an act entitled "An act to amend an act to incorporate the town of Petersburg," approved February 17, 1851; and no prosecution or conviction under the laws of the state shall be a bar to a prosecution and conviction under the ordinances of said town.

Act to apply to
R. R. compa-
nies.

§ 13. This act shall apply as well to railroad companies and other corporations as to natural persons.

Construction of
act.

§ 14. The act entitled "An act to incorporate the town of Petersburg," approved February 23, 1841, to which this is an amendment, and the act entitled "An act to amend an act to incorporate the town of Petersburg," approved February 17, 1851, and this act shall hereafter be deemed public acts, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

In force Feb'y
16, 1867.

AN ACT to incorporate the town of Galva, in Henry county.

Corporators.

Name and style

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Galva, in the county of Henry, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Galva;" and, by that name and style shall have perpetual succession; and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

§ 2. The boundaries of said town shall be as follows, to-wit: All the southeast quarter of section number twenty-eight (28), and the southwest quarter of section number

twenty-seven (27), and the northwest quarter of section number thirty-four (34), and the northeast quarter of section number thirty-three (33), and the southwest quarter of the northwest quarter of section twenty-seven (27), in township number fourteen (14), north of the base line, of range number four (4) east of the fourth principal meridian, in Henry county, Illinois, and including all the section of country within the before described limits, whether laid out in town lots or otherwise; and the full jurisdiction, power and authority of said town shall be extended over and embrace the above described district, being one mile square, and Bennett's addition. Whenever any tract of land adjoining the town of Galva shall be laid out in town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the town of Galva.

Jurisdiction.

Additions.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Powers.

§ 4. The corporate powers and duties of said town shall be vested in five (5) trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act until the second Monday in May, in the year of our Lord one thousand eight hundred and sixty-seven, and until their successors are elected and qualified.

Trustees—term of office.

§ 5. On the second Monday in May, in the year of our Lord 1867, and ever afterwards, on the second Monday in May, in each and every year, an election shall be held in said town of Galva, for the election of five (5) trustees of said town. The persons so elected shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided in said town six months next preceding their election, and shall hold their offices for the term of one year and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Elections.

Term of office.

§ 6. The incumbent board of trustees shall give ten days' notice, previous, of any and all elections to be held

Notice of—how given.

under the provisions of this act, or any ordinances of said town, by posting up notices in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such elections, the hour of the day at which the polls shall be opened, the hour at which they shall be closed. All such elections shall be by ballot; and all persons who, by the laws of this state, are entitled to vote for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat. And said board shall be the sole judges of the election and qualifications of its own members.

Oath of office.

Regular meetings.

Vacancies.

Town officers.

Oath of office.

Taxes.

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state, and that they will, to the best of their abilities, faithfully discharge the duties of their offices. They shall hold at least one regular meeting every month, and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper. They shall have power to fill vacancies, by appointment, in the board of trustees, occasioned by death, removal, resignation or continued absence from their regular meetings for the term of two months or otherwise. And they shall, also, have power to remove from office, by a vote of three-fifths of all their members, any subordinate officer of said town who holds his office by appointment of the board of trustees of said town.

§ 8. They shall have power, and it shall be their duty, to appoint a clerk, town or corporation attorney, one or more town constables, treasurer, assessor, collector, and one or more street commissioners, and such other officers as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, whose term of office shall be for one year; and to require them, before entering upon the duties of their respective offices, to give such bonds and security as may be necessary to insure the faithful performance of their duties. They shall, also, require all persons appointed to office by them, before entering upon the duties of their respective offices, to take and subscribe an oath to support the constitution of the United States and of this state, and that they will faithfully and to the best of their ability discharge the duties of their offices.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all the property, real and per-

sonal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the one thousand dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes, by any ordinance or ordinances, not repugnant to the constitution of this state or the United States. They shall, also, have power to appropriate money and to provide for the payment of the debts and expenses of the incorporation. Indebtedness.

§ 10. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the same, and to provide for the punishment of the authors of the same by fines, penalties or imprisonment in the town or county jail of Henry county, or by both such fines and imprisonment; and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances, and to remove the same one mile beyond the corporate limits of said town. Sanitary regulations.

§ 11. They shall have power and it shall be their duty to cause all streets, alleys and public roads within said town to be kept in good repair; and, for that purpose, they may require every male resident of said town, over the age of twenty-one years and under the age of fifty years, to labor thereon not exceeding three days in each and every year, or pay, at the time of being notified to work, the sum of one dollar for every day's labor required of him; and if the money and labor performed and received be insufficient for that purpose they shall appropriate so much from the general fund of the corporation, as may be necessary therefor; and the inhabitants of said town shall be exempt from working on any roads outside of the same. They shall have power and it is hereby made their duty to prevent the obstruction of the streets, avenue, lanes and alleys of said town, and to that end, to regulate the speed of railway trains and cars within the corporate limits of said town; to prohibit the cars or trains from standing upon the crossings within said town, and impose adequate fines and penalties therefor. Street repairs.

§ 12. They shall have power to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley, public grounds and public roads within the limits of said town; and to establish, erect, construct, build and keep in repair bridges, culverts, sewers, sidewalks, pavements and causeways, and regulate the construction and use of the same, and to punish the abuse thereof; and, in all cases of building sidewalks, bridges, culverts, pavements and causeways, and repairing the same, it shall be lawful for the said president and trustees to take into account the benefit and advantages (if any) to the lots. Exemption from road labor.

Street improvements.

Bridges, etc.

real estate and property in front of which such sidewalks, bridges, culverts, sewers, pavements and causeways are to be built or repaired; and the said president and trustees shall appoint two of their members of said board, together with the street commissioner of said town, commissioners of assessments, who shall make a view of the lots, real estate and property in front of which such improvements or repairs are proposed to be made, and who, after such personal view, shall report to the said board the amount (if any) of benefit or advantage to accrue or likely to accrue to said lots, real estate and property from such improvements or repairs; and, upon such report being made to said board by said commissioners of assessment, the said president and trustees shall give personal notice to the owners of such lots, real estate and property, if residents of the town and known to said board, and, if non-residents of the town and unknown to said board, then by publication in some newspaper published in said town of Galva, if one be published therein, if not, by posting notices in three (3) public places in said town for at least ten (10) days, that, at the time and place to be mentioned in said notice, the question of assessment of benefits and advantages to said lots, real estate and property (describing the same,) will be considered by said board. At the time and place so mentioned the said board shall, after hearing such statements in respect thereto, as parties interested therein may make, settle and determine the respective amounts of benefit and advantage accruing to such lots, real estate and property, by reason of said proposed improvements or repairs; and such settlement and determination shall be final. The clerk of said board shall make a full record of said assessment and determination of amount of benefits and advantages, describing said lots, real estate and property, and the amounts of benefits thereto, respectively, and shall certify a correct copy of such record to the clerk of the county court of said county of Henry, and file the same in the office of the said county clerk, which respective amounts shall be by him extended on the tax books of said town against said lots, real estate and property, respectively, and collected, together with and in the same manner as town, county and state taxes are now or shall be by law collected; and such tax shall be valid against said lots, real estate and property. The rest and residue of the expenses of such improvements and repairs shall be collected by a general tax against the property of said town of Galva; but this section shall not be so construed as to deny the power of said town to levy taxes for such improvements and repairs in any other manner, not inconsistent with the constitution of this state or the United States. *And, it is further provided*, that the regularity of the proceedings of the said president and trustees, as to said benefit tax, shall be pre-

Damages, etc.—
notice given.

Clerk of board.

Amounts to be
entered on tax
books.

Residue.

samed and held *prima facie* valid and regular; and any tax title accrued thereon shall not be assailed or questioned until the claimant shall first pay to the proper party or into court the amount required by law to redeem the property involved, together with all costs. Evidence.

§ 13. They shall have power to provide the town with water, to sink and keep in repair public wells and cisterns, and to erect and keep in repair such public buildings as the necessities of the town may require; and to provide for the inspection and weighing of hay, stone coal, grain and produce, and the measurement of wood and fuel to be used in said town. Water privileges.

§ 14. They shall have power to license, tax and regulate auctioneers, eating houses, hawkers and peddlers, and to regulate the fixing of chimneys and flues thereof; also, to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices; to suppress and prohibit gambling houses, bawdy houses, houses of ill-fame, and all other disorderly houses within said town and one mile from the limits of said town. Licenses. Disorderly houses.

§ 15. They shall have power to tax, license and regulate or suppress and prohibit all exhibitions of common showmen, circuses and exhibitions and amusements of every kind, unless gotten up in said town by the citizens thereof. They shall also have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, rout, riot, disturbing the peace of the inhabitants, or of any public meeting, whether religious or otherwise of said town; to prohibit and impose penalties on the authors thereof, and any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town. Exhibitions. Breach of the peace.

§ 16. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same when found running at large contrary to the provisions of any ordinance in such case made and provided; to prevent the firing of squibs, guns, rockets or other fireworks or combustibles within said town. Dogs. Discharge of fire-arms.

§ 17. They shall have power to prevent the incumbering of any street, lane, avenue, alley, road or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, hogs, sheep or other animals from running at large within said town, and to provide for distraining and impounding any such animal or animals and the sale thereof to satisfy costs and charges; any penalty or Street obstructions.

Abuse of animals.

penalties incurred under any ordinance of said town to prevent racing within said town with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; also, to prohibit and punish the abuse of all animals within said town; and to provide by ordinance for the punishment of the violation of this section.

Liquor traffic.

§ 18. The said president and trustees of the said town of Galva shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any way trafficking in any wine, rum, gin, brandy, whisky, ale or beer, or other vinous, spirituous, malt or mixed liquors within one mile of the limits of said town, and may, by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking in any manner in any such wine, rum, gin, brandy, whisky, ale or beer, or other vinous, spirituous, malt or mixed liquors within one mile of the corporate limits of said town, and the place or places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section ten (10) of this act in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same, in good faith, for purely medicinal, mechanical or sacramental purposes: *Provided, further*, that the same shall not impose any fine, by virtue of this section, of more than fifty (50) dollars for one offense, or any penalty of imprisonment in the jail of the town or county of more than thirty (30) days for any one offense; *Provided, further*, that the president and trustees of said town shall have power to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees and charges to be charged therefor; but no license shall be granted for more than one year, and no license for the sale of wine, rum, gin, brandy, whisky, ale or beer, or other vinous, spirituous, malt or mixed liquors, at wholesale or retail, by grocery keepers, inn keepers or others, shall be for less than one hundred dollars. License granted under this section shall protect the person or persons to whom granted from prosecution under the state law as well as under ordinances of said town; and no such license shall be assignable. Persons selling as agents or servants shall be equally liable with the principal or master. All moneys arising from said licenses shall be paid into the treasury of said town of Galva.

Proviso.

Limit of penalty

Vagrants, etc.

§ 19. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and to provide for the arrest and punishment of any person or persons

found intoxicated in any street, alley or other public place in said town.

§ 20. They shall have power to direct the location and regulate the construction and management of tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the construction and management of, or to restrain, abate and prohibit within said town and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal, and such other substances as may be rendered or tried, and other establishments or places where such nauseous, offensive, or unwholesome business may be carried on.

Nauseous and
offensive build-
ings.

§ 21. They shall have power to make such regulations for the prevention and extinguishment of fires as they may deem expedient, and, for that purpose, they shall have power to procure fire engines and such other apparatus as are usually employed for the extinguishment of fires; and shall have the charge of the same. They shall, also, have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

Fires, etc.

§ 22. They shall have power to enlarge the boundaries of the town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote or the qualified voters of said town, and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at said election to make such enlargement.

Enlarge bound-
aries—to be
voted on.

§ 23. They shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state or the United States; and to cause the same to be executed. They shall also have power to impose fines and penalties for the breach of any law or ordinance of said town of Galva, or of any provision of this act, and provide for the enforcement and recovery of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars; nor shall they impose a penalty of imprisonment in the jail of the town or county for any one offense of more than six months.

Power to make
ordinances.

Fines, etc.

Limit of fines,
etc.

§ 24. The president shall preside at all meetings of the board, when present; and, in case of his absence from any meeting, the members of the board shall appoint one of their number chairman, who shall preside at that meeting. The president or any two (2) members of the board may

President.

Special meet-
ings.

call a special meeting of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority call on all male inhabitants of said town over the age of twenty-one years to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars. He shall have power, whenever he shall deem it necessary, to require of any officer of said town a written exhibit of his books and papers; and shall have power, and it shall be his duty, to do all other acts and things that may be required by the laws and ordinances of said town.

Exhibit of
books, etc.

Police magis-
trate.

Term of office.

Jurisdiction.

§ 25. At the annual election of trustees, in May, 1869, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex-officio*, a justice of the peace for the county of Henry. He shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four years, and until his successor shall be elected and qualifies. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Henry might have and exercise in similar cases.

Vacancy.

§ 26. Said police magistrate shall be conservator of the peace, for the said town of Galva, and shall have exclusive original jurisdiction, except as herein otherwise provided in all cases arising out of or under the laws or ordinances of said town or this act, and shall, in such cases, possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act, entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town the board of trustees of said town shall, within twenty (20) days from the occurring of any such vacancy, call an election to fill the same; and the person so elected shall hold his office until his successor shall be elected and qualified.

Fees.

§ 27. He shall, in all cases be entitled to the same fees and emoluments that are by law allowed to other justices of the peace for similar services. In case of absence of said police magistrate, or his inability, any other justice of said county of Henry, having an office in said town, shall have the same jurisdiction, power and authority under the laws and ordinances of said town as the police magistrate possesses in like cases. The rules of practice and proceed-

ings in all cases arising out of the laws and ordinances of said town shall conform to the practice and proceedings before other justices of the peace, except in cases where rules of practice and proceedings shall be prescribed and established by the laws, ordinances and charter of said town; in which case the rules of practice and proceedings shall conform to the rules prescribed by such laws, ordinances or charter; and said ordinances may provide for the forthwith arrest and trial of offenders against the ordinances of said town.

Punishment of offenders.

§ 28. In all cases arising under any ordinance of said town or under this act, changes of venue may be taken as in cases from one justice of the peace to another are now granted; and appeals to the circuit court or said county of Henry shall be allowed to any defendant or defendants, provided notice thereof, in writing, be filed with the said police magistrate or justice of the peace before whom the case was tried, on the day of the trial thereof: *And, provided, further*, that said defendant or defendants shall file good and sufficient appeal bond with said police magistrate or justice or the clerk of circuit court, to be approved by the said magistrate, justice or clerk within five (5) days from the day of trial. The president and trustees shall not be required to file said notice in writing of said appeal, and shall not be required to file an appeal bond; but said notice, in writing, signed by said president and trustees or the corporation attorney and filled with said police magistrate or justice of the peace, shall perfect the appeal on the part of the president and trustees; and it shall be the duty of the said police magistrate or justice to certify his transcript and papers as in other cases of appeal.

Change of venue.

Appeal bond.

§ 29. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe, and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town, or any other justice of said county of Henry. They shall have and may exercise in all cases the same power and authority that are given to other constables of said county by the laws of Illinois, and shall be entitled to like fees for services, and shall in all cases of nonfeasance and misfeasance of duty, be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases.

Town constable—powers and fees of.

§ 30. In all cases arising under the laws and ordinances of said town, or this act, any constable of the county of Henry shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the town constable would possess. This act does not authorize town constables to appoint deputies. Whenever any town or other constable shall see any person engaged in any assault, assault and battery, riot, rout, affray,

Concurrent jurisdiction of other constables.

Arrests.

disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind, within said town, it shall be his duty to make immediate arrests of such person or persons, on view, without warrant; and in all such cases any constable in the county of Henry shall have the same power of arresting, without warrant, as the said town constable in such cases would possess; and in all such cases, in arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested; and the said police magistrate or justice of the peace shall, thereupon, hear the evidence against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued. The town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

Collection of taxes.

§ 31. Until the board of trustees of said town of Galva shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the same manner provided in the ninth (9) section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Riots, etc.

§ 32. All prosecutions under the laws or ordinances of said town of Galva, for assault, assault and battery, affrays, riots, rout, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind; and in cases in which the penalty attached by the laws or ordinances of said town is imprisonment in the jail of the town or county, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases for justices' courts by the laws of this state, except where the laws and ordinances of said town prescribe new or different rules of practice or proceeding, in which case the rules of practice and proceeding shall conform to the rules prescribed by the laws and ordinances of said town.

Criminal proceedings.

Rules in other cases.

§ 33. In all other cases, for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by an action of debt, in the name of the president and trustees of the town of Galva; and in all such actions of debt the first process shall be by summons, to be issued, served, and returned as other summons and actions

of debt are issued by justices of the peace of said county of Henry, unless some competent person shall, before the commencement of such debt, file with the justice of the peace before whom the suit is about to be commenced an affidavit, accusing the person or persons about to be sued with some one or more violations, of the same nature, of the laws and ordinances of said town, specifying such offense or offenses, and stating that he or she verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial there is danger that the penalty or penalties in case shall be lost, and specifying the facts on which such belief is founded; in which case, if the police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinions set forth in such affidavit are correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him he shall proceed at once to the trial of such suit, which shall be by action of debt, for the recovery of the penalty or penalties attached to the offense or offenses specified in the affidavit aforesaid; and if the defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offenses specified in such affidavit, the police magistrate or justice of the peace before whom such suit is tried shall enter judgment thereon for the amount of the fine assessed and cost of suit, as in other cases.

Action of debt.

Judgments

§ 34. In all actions of debt for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offenses of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars. All fines and penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town. Said town shall not be liable for costs when the defendant or defendants are acquitted, in any case arising under the charter or the ordinances passed thereunder; and this provision shall apply to the circuit and supreme court, where said cases may be taken by appeal or otherwise. No prosecution or conviction for any offense under the laws of this state shall be a bar to prosecution or suit for fines, penalties or forfeitures for the breach of any ordinance of the said town of Galva; nor shall suits or prosecutions under any of the ordinances of said town or this act, for violation thereof, be a bar to suits brought by the people for violation of the state laws; but the remedies provided by the laws of the state and the said corporate authorities shall be cumulative.

Suits not to be a bar.

Town shall not
give security.

§ 35. The president and trustees of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees, or any other officer in said town, shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town.

Rendition
judgment.

of § 36. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or other justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of defendant or defendants not exempt from execution by the laws of Illinois; but if the constable having such execution shall return thereon that he can not find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, then the said police magistrate or justice shall issue a *capias* against the body or bodies of defendant or defendants; and the constable shall arrest such person or persons, and convey him, her, or them to the jail of the town or county, there to remain forty-eight hours; and if the said fine and costs exceed the sum of five dollars, then to remain in jail twenty-four hours for every two dollars over and above the said five dollars: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of said county of Henry, to have the same levied upon real property, and shall signify the same to such police magistrate or justice, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgments rendered in circuit courts in civil cases; *Provided*, that if the defendant or defendants shall in any case arising under the provisions of this act, or any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such payment.

When *capias*
shall not issue.

Taking private
property for
public uses.

§ 37. Whenever it shall become necessary to take any private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley, or before taking private property for any public use; and in case the amount of such compensation can not be agreed

upon the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall first be sworn to that effect; they shall then proceed to examine the property in question, and, after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking and the proposed use of such property, they shall, within ten (10) days, make out and return their verdict in writing, signed by each of said jurors, to the police magistrate of said town, assigning to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict, and shall forthwith cause the president and trustees, or their clerk and the owner of the property included in such verdict, to be notified of the contents of the same. When any such verdict, whether the amount thereof be in excess of the sum of one hundred dollars or not shall be filed with the police magistrate, and entered on his docket, unless appealed from, as herein provided, it shall be a judgment against the president and trustees of the said town of Galva, in favor of such owner included therein, for the amount of damages thereby assessed to him; and the same shall have all the force and effect, in favor of the person or persons entitled to such damage, as other judgments obtained in justices' courts; and transcripts from said judgments shall be taken and filed with the clerk of the circuit court of said county of Henry, in like manner and with like force and effect as other transcript judgments. If either party shall be dissatisfied with the verdict of inquest they they shall be allowed an appeal to the circuit court of the county of Henry, by filing bond as herein required, within twenty (20) days from date of notification aforesaid. In case of appeal by any defendant or defendants, under this provision of this charter, the appeal bonds shall be in double the amount of present and prospective costs and the reasonable attorney's fees of said town, shall be conditioned as other appeal bonds are now conditioned by law, and, in addition thereto, shall be further conditioned to pay the reasonable attorney's fees of the attorney of said town, in case of dismissal of the appeal or failure to prosecute the same with effect, to recover as large a judgment above as that recovered below before the police justice. And if further appeal shall be prayed from the circuit court of the county of Henry to the supreme court the appeal bond shall be like conditioned.

Verdict in
writing.

Verdict to be-
come a judg-
ment against
the town, etc.

Appeals.

§ 38. The incorporation of the said town of Galva, under the general law heretofore made, is hereby declared valid, and all ordinances enacted by the trustees thereof are declared to be in full force until repealed or amended by

Incorporation
valid.

the president and trustees of said town, so far as the same are not inconsistent with the constitution of the United States or of this state or the laws thereof.

Disposition of fines, penalties, etc. § 39. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Galva shall be vested in the town corporation hereby created; and all suits now pending shall be prosecuted in the name of the corporation as commenced by the town corporation hereby created. All property belonging to the president and trustees of the town of Galva is hereby vested in the corporation hereby created.

Vested property

Verdict of jury set aside. § 40. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town or any justice of the peace of the county of Henry, the court shall, for good cause shown, have power to set aside the verdict of the jury and grant a new trial of the case: *Provided*, that the application for setting aside the verdict shall be made when such verdict is returned into court; but only one new trial shall be granted.

Records of proceedings. § 41. The president and trustees shall require their clerk; and it shall be his duty to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, of the time and place and the manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record book of the town of Galva, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws, and other things pertaining to and concerning the present corporation of the town of Galva, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production, in such court, of the book or books in which the same is or are recorded, if such book or books purport to be the record books of said corporation; and all ordinances and by-laws hereafter passed by the board of trustees, before taking effect, shall be published at least ten (10) days, in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed therein by the president and clerk of the board of trustees, with their own proper signatures; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall, also, note the adoption and of the publication and the time of taking effect thereof.

Publication of ordinances.

Public act. § 42. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and

and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1867.

AN ACT to change the name of Hollidayshurg.

In force Feb'y
23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of "Hollidaysburg," as heretofore applied to a town situated in the county of Greene, of this state, be and the same is hereby changed to "Kane;" by which name it shall hereafter be known and called. Name changed

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 23, 1867.

AN ACT to authorize the town of Edwardsville, in Madison county, to borrow money. In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of the town of Edwardsville, in Madison county, be and are hereby authorized to borrow money, on the credit of said town, in any sum not exceeding ten thousand dollars, to be expended in improving the streets, alleys and sidewalks in said town, and to issue bonds therefor in such sums and at such rates of interest and payable at such times and places as the said board of trustees may think advisable, which bonds, when issued, shall be valid and binding; and the revenues of said town shall be irrevocably pledged for the payment of interest thereon and their ultimate redemption, when payable. Borrow money.

Bonds.

Revenues.

§ 2. The bonds issued in pursuance of this act shall be numbered and signed by the clerk and countersigned by the president of the board of trustees of said town; and the said clerk shall keep a register, containing the number, date, amount, to whom, when and where payable, and the rate of interest of each of said bonds. Bonds numbered and signed

§ 3. The board of trustees of said town, for the purpose of paying the said bonds when they become due and payable, with the interest which may accrue thereon, are hereby authorized to levy and collect a special tax on all Payment of.

taxable property, of every description, situated and being in the corporate limits of said town, according to valuation; which valuation shall be assessed by three *bona fide* freeholders residing in said town, who shall be appointed by the board of trustees.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 21, 1867. AN ACT to incorporate the town of Secor, in the county of Woodford, and state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of Secor be and they are constituted a body politic and corporate, by the name and style of* "The President and Trustees of the Town of Secor;" and, by that name, shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, plead and be impleaded, to defend and be defended, in all courts of law and equity, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within said town, and to purchase, receive and hold property, real and personal, without the limits thereof, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town, and to sell, lease, convey and otherwise convey or dispose of said property, and to improve and to protect the same, for the use and benefit of the inhabitants of said town.

Name and style.

Powers, etc.

Boundaries.

§ 2. Said town shall include within its corporate limits all that territory included within the following boundaries, viz: Commencing at the south-east corner of the west-half of the south-east quarter of section number five, (5,) in township number twenty-six (26) north, range number one (1) east of the third (3) principal meridian; running thence north two hundred and forty (240) rods, thence west eighty rods, thence north sixty (60) rods, thence west two hundred and forty (240) rods, thence south three hundred (300) rods, thence east one (1) mile, to the place of beginning, in the county of Woodford, and state of Illinois.

Qualification of officers.

§ 3. The corporate powers of said town shall be vested in five (5) trustees, who shall be citizens of the United States, and shall have resided in said town twelve months immediately preceding their election, and who shall have paid a state and county tax.

§ 4. The trustees of said town shall be elected on the first day of June next, by the legal voters of said town, and shall hold their offices for one year from the date of their said election. Elections.

§ 5. The trustees, before entering upon their duties of office, shall each take and subscribe the usual oath of office now required by the laws and constitution of this state. Oath of office.

§ 6. At the first meeting of the board of trustees after their election they shall elect one of their own number as president of their said board, who shall preside over all their deliberations, and shall hold his said office during his continuance in office as such trustee. Meetings.

§ 7. A majority of the board of said trustees shall constitute a quorum for the transaction of business ; but a smaller number may adjourn, from day to day, and shall have power to compel the attendance of absent members under such penalties as may be prescribed by ordinance. Quorum.

§ 8. The board of trustees shall keep a journal of its proceedings, which shall always be subject to inspection. Journal of proceedings.

§ 9. The trustees of said town shall have power and authority to appropriate money for the payment of the debts and expenses of said town, and to levy a tax and collect the same for that purpose : *Provided*, the same be not inconsistent with the constitution and laws of this state ; they shall have power to license, tax and regulate auctioneers, pawn-brokers and peddlers ; to license, tax and regulate theatrical and other shows and exhibitions. Indebtedness.

§ 10. The said board of trustees shall have power and authority to license, tax and regulate or suppress, all groceries, dram shops, tippling houses, or other houses where spirituous, vinous or malt liquors are sold or in any way disposed of ; to restrain and suppress gaming-houses, bawdy houses and all other disorderly places ; to declare what shall be a public nuisance, and to prevent and remove the same. Licenses.

§ 11. Any fine, penalty or forfeiture incurred under this act may be recovered, with costs of suit, before any justice of the peace or police magistrate of said town ; and all moneys arising from or collected on account of any license granted by any authority of this act, as well as all money arising from fines imposed and collected under the provisions of this act, shall be paid to such treasurer or other officer as said board of trustees shall appoint, or as shall be elected by the citizens of said town ; and said money, when collected, shall be paid out in improving the streets and alleys of said town and for such other purposes as said trustees shall direct. Fines and penalties.

§ 12. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 21, 1867.

In force Feb'y AN ACT to amend an act entitled "An act to incorporate the town of Tiskilwa," approved February 16, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Tiskilwa, in Bureau county, are hereby constituted a body politic and corporate, to be known by the name of "The Town of Tiskilwa;" and, by that same, shall be known in law and in fact, and have perpetual succession; may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, in all matters and actions whatsoever; may purchase, take, receive and hold personal property and real estate within the limits of the incorporation, but not elsewhere; may lease, sell and convey the same, and all other lawful things or acts within the scope of this act as natural persons may do; may have a common seal, and make and alter the same at pleasure.

Trustees. § 2. The corporate powers and duties of said incorporation shall be vested in five trustees, who shall form a board for the transaction of business, and shall appoint their President and clerk from their own body. It shall be the duty of the president to preside at the meetings of the board; and, in case of his absence or inability to serve, the President pro tem. shall have power to elect a president *pro tem.* from their own number.

Assessor § 3. An assessor shall be elected at the same time and in the same manner and for the same term as trustees shall be elected, as provided in the act to which this is an amendment, and shall receive as compensation for his services, two dollars per day.

Police justice. § 4. At the next annual election, and every four years forever thereafter, a police justice of the peace shall be elected for said town, who shall hold his office for four years, and until his successor is elected and qualified.

Powers. § 5. The president and trustees of said town shall have power—

Borrow money *First.*—To borrow money on the credit of the town: *Provided,* that the amount of money borrowed and the indebtedness on account of money loaned shall at no time exceed one thousand dollars, and at a rate of interest not exceeding ten per cent. per annum.

Billiards, etc. *Second.*—To restrain, prohibit or license billiard tables.

Liquors, etc. *Third.*—To have the exclusive power to regulate, prohibit or license the selling of spirituous, vinous and malt liquors of any kind within the corporate limits.

Animals at large *Fourth.*—To restrain and prohibit the running at large of any horses, cattle, sheep, swine, goats or dogs within said corporation.

Fifth.—To provide for the erection of all needful buildings for the use of the town. Public build-
ings.

Sixth.—To open, alter, extend, establish, grade, plank, pave and in any other way or manner improve and keep in repair streets, avenues, lanes and alleys, sidewalks, crosswalks, drains and sewers; and to establish and keep in repair bridges. Sidewalks, etc.

Seventh.—To suppress, prevent and prohibit drunkenness, disorderly conduct, disturbances, or disorderly assemblages, riots, affrays, assaults, assaults and batteries. Riots, affrays
etc.

Eighth.—To appoint special policemen, when in their judgment the necessity of the case may demand it, who shall have the same authority, for the time being, as the town constable, of whom the town constable shall be chief. Special police.

Ninth.—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act or the act to which this is an amendment, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fine or penalty exceed the sum of fifty dollars for any offense. Ordinances.

§ 6. The board of trustees shall have power to levy, annually, at the first regular meeting of the board after their election, or such other time as they may designate, and collect taxes for the incorporation, upon all real estate within the limits of said corporation, and upon all personal property of the inhabitants of the town, within said town, not exceeding one per centum upon the assessed value thereof. In making such assessment, the assessor shall be governed by the laws of this state directing the assessing of property for state and county purposes, for the time being, as near as may be, and so as not to conflict with the provisions of this act. The assessor, after having made his assessment roll, shall deposit the same with the clerk of the board of trustees, who shall note thereon the time of such deposit, for inspection of any and all persons interested, for the space of ten days, posting up notices in three of the most public places in said town that said roll is so left for inspection, and shall, upon the lapse of said ten days, attach to said assessment roll his affidavit, stating therein the time of depositing said roll with said clerk as aforesaid, and the time of posting said notices. The clerk shall file and carefully preserve said roll in his office, and all taxes levied upon real estate are declared to be a lien on the real estate upon which the same are assessed, from and after such roll is deposited with said clerk as aforesaid until paid. Taxes.
Assessments.

Inspection of
assessments.

§ 7. It shall be the duty of the clerk of the board of trustees within fifteen days after such roll is deposited, as aforesaid, to post up notices in three of the most public places of said corporation, that at a place and on a day to be therein named, not more than three weeks from the time of said depositing, as provided in section six of this act, the board of trustees will meet for the purpose of inspecting said assessment, when and where it shall be the duty of the board of trustees to meet and hear and investigate, under oath of the parties complaining, to be administered by the clerk of said board, any complaints that the party complaining, is charged with property which did not belong to him or her at the time the same was assessed, or that his or her property is assessed too high, and shall in all such cases so alter or amend, or not, said roll, as to them shall seem just and right.

List of property
assessed.

§ 8. After such assessment roll shall have been before the board of trustees for its action thereon, as above provided for, and after making such alterations therein, as they may deem necessary, under the preceding section, it shall then be the duty of the clerk of said board of trustees, to make out for the use of the town collector a correct list of the property assessed to residents, which list shall set forth, in alphabetical order, the names of the persons owing tax on personal property in said town, the aggregate value of such property assessed to each person, and the amount of tax due thereon, he shall make out the abstracts of real property in numerical order, which shall show the name of the person to whom each tract or lot is assessed, the value of each tract or lot, and the amount of taxes thereon, which list, under a warrant to be issued under the seal of the incorporation and signed by the president and clerk of said board, directed to the town constable, commanding him to proceed and collect the same, within ninety days after the date thereof, and in the collection thereof the said constable is vested with the same powers, and to be exercised in all respects in the same manner as collectors of taxes are in and by the act to provide for township organization, as far as the same shall be applicable.

Powers of con-
stable as col-
lector.

Moneys to be
paid into the
treasury.

§ 9. It shall be the duty of the town constable to pay to the treasurer of the town all moneys collected by him, deducting his per centage, from time to time, as fast as collected, and to make return, in writing, thereof to the clerk of said board, under oath, showing, first the amount of money collected by him, secondly the taxes on personal property and real estate, that he can not collect, stating specifically, and making separate returns of the personal and of the real estate, upon which taxes remain unpaid.

Returns to be
filed.

§ 10. It shall be the duty of the clerk of the board of trustees to file in the office of the county clerk of Bureau county a copy, certified under the corporate seal of the in-

corporation, of the return of the town constable, showing the real estate upon which taxes remain unpaid, at least five days before the first day of the next term of said court which shall be holden after the return of said warrant, and filing the same in his office, and shall cause a notice of an application to be made to said county court for an order to sell the same for non-payment of taxes and costs, and the time and place of such order to be published in the same manner as required by law for the sale of real estate for non-payment of state and county taxes, and the county court shall thereupon proceed to dispose of the matter in the manner and as is required by law in such cases. Tax sales.

§ 11. The town constable shall make the sale provided for in the above section under the order of the county court, and the clerk of the county court shall keep a record of such sale, file the same in his office, in a book provided for that purpose, issue certificates to the purchasers; and said officers shall, in all things in and about said sale, comply, as near as may be, with the provisions of the laws for the time being directing sales of land for non-payment of state and county taxes. Record of sale.

§ 12. When any real estate in said town shall be sold, as herein provided, for non-payment of taxes, the same shall be subject to redemption by any person interested therein, within two years after the same shall have been sold, on paying to the clerk of the board of trustees double the amount for which the same may have been sold together with all costs of sale, and all taxes assessed for corporation purposes, which may have been paid by the purchaser at such sale, since such sale, with legal interest thereon from the time of such payment to the time of such redemption, and thereupon the clerk of the board of trustees shall make out to the person so redeeming a certificate under his hand and the seal of said corporation, specifying the lands so redeemed, the time of redemption, the moneys paid and by whom, which shall be *prima facie* evidence in all courts whatsoever of the facts therein stated. The clerk shall pay such moneys to the treasurer of the town, taking his receipt for the same, and the treasurer shall deposit the same in the treasury of said town, for the use of the purchaser at such sale, to be paid out to him or his assigns on demand therefor and receipt given. Redemption.

§ 13. Taxes and all costs made thereon may be paid at any time to the town constable before the sale of the land for the non-payment thereof. In case any real estate sold under the provisions of this act shall be and remain unredeemed, as above provided, at the expiration of two years from the date of such sale, a deed shall be made out and signed by the president of the board of trustees of said incorporation, and countersigned by the clerk of the county court under the seal of said court, and duly acknowledged by said Unredeemed property.

officers, conveying the land to the purchaser or his assigns, upon proof of such notice to the owner or occupant of the land as is required by the constitution and laws of this state, of the sale of land for non-payment of taxes.

Notice to own'rs
Fees, etc. § 14. Officers acting under this act of incorporation in the sale of land for non-payment of taxes and in all proceedings precedent and consequent to the order to sell the same, shall be entitled to the same fees as shall be allowed by law for similar services under the revenue laws of this state, and the same shall be a charge upon land taxed, and included in the order of the court directing such sale, as provided in said laws.

§ 15. Lands and personal property situated in said incorporation shall not be liable to be assessed for road taxes, as provided in article (17) seventeen, section (8) eight, township organization, approved February 21, 1861.

Taxes for im-
provements. § 16. The board of trustees shall have power to provide by ordinance for the assessing, levying and collecting a special tax on the owners of lots in any street, lane, avenue or alley, or part or parts thereof, according to the respective fronts owned by them thereon, for the purpose of paving, grading, planking and making, in such manner as the board shall direct, sidewalks and crosswalks in such street, lane, avenue or alley, or part or parts thereof; which tax is hereby declared to be a lien on the lands in reference to which it is assessed until paid, and to be a special tax, to be collected as other corporation taxes are.

How collected.
Sidewalks. § 17. The owners of lots shall be allowed a reasonable time, to be ascertained by ordinance, within which to make such sidewalk or crosswalk, under the direction of the board of trustees, in front of the lots owned by them; and in case such owner or owners shall make such sidewalk or crosswalk, within such time allowed, the board of trustees shall issue order or orders, on the treasurer of the corporation to such owner or owners, for amount or amounts equal to one-half of the costs of such sidewalk or crosswalk, and in case of failure to make the same within such time, the board of trustees are authorized to cause such making to be done, and assess and collect one-half the necessary expense thereof in manner herein provided.

Unpaid special
taxes. § 18. All special taxes remaining unpaid shall be returned by the town constable, in manner hereinbefore stated as to general taxes, and shall be annually reported to the county court, at the same time, and in all respects the proceedings to procure a sale of the land for the non-payment thereof, shall be conducted in the same manner that is herein provided to procure a sale of real estate for general taxes remaining unpaid, and subject to sale and redemption in the same manner.

Unknown own-
ers. § 19. Should the owner of any land upon which any special tax is assessed under this act be unknown, he may

be so described in all proceedings to assess and collect the same.

§ 20. The inhabitants of the said corporation are hereby exempted from working any poll tax for road labor, and from all highway labor whatever, otherwise than under the provisions of this act. The board of trustees, to aid them in keeping bridges, streets, lanes, alleys and avenues in repair, in said town, shall have power to require every male inhabitant residing within the limits of the corporation, over twenty-one years of age and under fifty, and not incapacitated by sickness or other infirmity, from manual labor, to labor on said streets, bridges, lanes, avenues or alleys, not exceeding three days in each and every year, and any person failing to perform such labor according to the ordinances of the town, in that behalf from time to time enacted, shall forfeit and pay such sum as the board of trustees shall direct, not exceeding one dollar per day.

Exemption from
road labor.

Repairs.

§ 21. The board of trustees shall have exclusive jurisdiction over all bridges, streets, avenues, lanes and alleys, and public highways at and within the incorporation, and the opening, repairing and making of the same.

Jurisdiction.

§ 22. Justices of the peace of the county of Bureau residing within the limits of said corporation shall have jurisdiction of all suits and process brought and issued for the recovery of any fine or to enforce any penalty for breach of any ordinance of said corporation; and constables of said county residing within the limits of said corporation, shall have power and authority to serve and execute all process issued in any such suits; such suits to be brought and judgment rendered therein, and the same collected and enforced as hereinafter prescribed, saving in all cases the right of trial by jury to either party demanding the same.

Justice of the
peace.

Jurisdiction of.

Trial by jury.

§ 23. All actions for fines, penalties and forfeitures accruing for the breach of any ordinance of said town shall be instituted and prosecuted in the name of the town of Tiskilwa, upon complaint of any person before any justice of the peace residing in said town, by action of debt. The ordinary process shall be by summons, but in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, and that the party accused is about to abscond or depart without the limits of the county, or has so absconded or departed, then the justice of the peace may issue his warrant to bring the party accused forthwith before him to answer such complaint, and in that case the party accused shall remain in the custody of the officer until the suit is disposed of and the fine and costs paid or otherwise discharged according to law, unless he shall enter a recognizance, with good security, before final judgment in the case, before the justice

Action for fines.

Recognizance.

of the peace to the corporation, in double the amount of the penalty that may be inflicted upon him in the suit, conditioned that he will pay the judgment and costs that may be rendered against him therein; and in default of such bail, the officer may commit the party accused to the common jail of said county, or such other place in said town as may be provided for safe keeping, while the cause is not being tried. The recognizance shall be filed in the office of the justice, and in case of forfeiture, shall be transmitted to the clerk of the board of trustees.

Executions.

§ 24. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Bureau whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or town prison for a term not exceeding three months, in the discretion of the court, and all persons who may be committed under this section, shall be confined one day for each one dollar of such judgment and costs.

Fines to be paid into the treasury.

§ 25. All fines, forfeitures and penalties received or collected for the breach of any ordinance or this act, shall be paid into the treasury of said corporation, by the officer or person receiving or collecting the same.

Arrest of offenders.

§ 26. It shall be the duty of the town constable or any constable residing within the corporation, to arrest on view any and all persons whom he may find in said corporation in the act of committing any of the following offenses: drunkenness, disorderly conduct, disturbances or disorderly assemblages, riots, affrays, assaults, assaults and batteries, and forthwith take the same before the police justice, or, in case of his absence, before any other justice of the peace residing in said corporation, to be dealt with as by ordinance may in such cases be provided.

Fees and costs.

§ 27. Any constable who may render service under this act shall be entitled to the same fees and collect them in the same manner as now is or hereafter may be required in such cases: *Provided*, that the president and trustees may allow such further compensation as to them may seem just and proper.

§ 28. The board of trustees shall be allowed as compensation for their services the sum of one dollar each per day: *Provided*, that they may allow such further compensation to the clerk of said board as to them may seem just and proper.

Repeal.

§ 29. Anything in the act to which this is an amendment, conflicting herewith is hereby repealed, and this act shall be taken and deemed a public act, and all by-laws, ordinances, records and proceedings of said town shall be esteemed sufficiently proved in any court of law or equity, by the certificate of the clerk of the board of trustees under the seal of the incorporation.

Records.

§ 30. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1867.

AN ACT to amend an act to incorporate the town of Sheffield, in Bureau county, and state of Illinois, in force February 22, A. D. 1861. In force Feb'y 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:* Section six of said act shall be so amended as to read as follows: "Section six. That there shall, on the first Monday of May next, be elected five (5) trustees, and on every first Monday of May thereafter, who shall hold their office for one year and until their successors are elected and qualified; and public notice of the time and place of holding said election shall be given by the president and trustees of said town, by advertisement published in a newspaper in said town or posting it up in at least three (3) of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one (21) years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state and county tax. And all free male citizens, over twenty-one (21) years of age, who are qualified legal voters in county and town elections, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees. And the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancies shall not exceed three months. All vacancies which shall occur for a longer time the board shall give ten days' notice, by posting up at least three advertisements in said town for the election of a trustee to fill said vacancy—to be filled in the same manner as is provided for in regular elections. And said trustees shall have power to appoint a clerk, treasurer, assessor, a street commissioner, and a town constable; which said officers, so appointed, shall give bond and security, in such amount and with such conditions as the trustees may require, and the said constable shall take an oath of office before some justice of the peace that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines and serve all process of the suits of the corporation, and shall execute all writs, process and precepts which may be issued against any person for the viola-

Sec. 6 amended.
Proviso.

tion of any of the laws or ordinances of the town, and shall have and possess the same powers and perform the same duties, in other respects, as constables in the several districts in the county possess and perform. Said constable to hold his office for one year and until his successor is elected and qualified."

Section twelve (12) shall be so amended as to read as follows: "The trustees shall have power to grant licenses for the sale of liquors and for other purposes, and to tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses and ten pin alleys. Said trustees shall, also, have power to make and enforce such by-laws and ordinances for the regulation or suppression of the sale of wine, rum, brandy, gin, whisky, malt liquors, strong beer, ale, lager beer, porter, mixed liquors or any intoxicating liquors within the limits of said town as they may deem proper.

§ 2. This act to take effect from and after its passage.
APPROVED February 9, 1867.

In force Feb'y 12, 1867. AN ACT to provide for the payment of town orders of the town of Niles.

Preamble.

WHEREAS, the people of the town of Niles, in the county of Cook, have contributed money to defray expenses for the raising of volunteers and substitutes in the late war; and, whereas, at the time when these contributions were made, the authorities of said town of Niles promised that the several amounts so contributed should be refunded; and, whereas, the authorities of said town have issued town orders for such claims against the town, which town orders are still in the hands of citizens of said town and others, unpaid; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a special election shall be called in said town, by the supervisor thereof—notice of such election being posted in at least five of the most prominent places of said town ten days prior to said election—to vote for or against a bounty tax.

Election to be called.

Bounty tax.

§ 2. That if a majority of voters at said election shall vote for bounty tax, a tax shall be levied on all the taxable property of said town, in the same manner as now provided by law, sufficient to pay all the town orders issued for money contributed for the purpose of raising volunteers and substitutes: *Provided*, that no more than three (3) per cent. shall be levied in any one year.

Manner of collecting.

§ 3. That if a majority of voters at said election shall vote for bounty tax the county clerk of Cook county shall,

after having been duly notified of such election, extend the tax on all taxable property of said town of Niles, in the collector's book of said town for the taxes of 1866, in a column headed "Bounty Tax." And the collector of said town shall proceed to collect the said tax in the same manner as all other taxes are collected: *Provided*, that the time to return the collector's book to the county treasurer shall be extended to the first day of April, A. D. 1867.

§ 4. The board of town auditors shall, after such tax is collected, give notice that they are prepared to pay town orders issued for moneys contributed as above stated, and shall proceed to examine all such orders and all the books in which said orders are registered, and only direct the payment of such orders as they deem correct and properly issued. Notice of.

§ 5. That if the tax of three per cent. is not sufficient to pay all the orders standing out against said town, a further tax of three per cent., or less, shall be levied every year until all such orders are paid. Further taxes.

§ 6. This act to take effect from and after its passage.
APPROVED January 12, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Wheaton, Dupage county, Illinois," approved February 15, 1865. In force Feb'y 21, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the charter incorporating the town of Wheaton, be and the same is hereby amended, as follows: By striking out the words "west half of the northeast quarter of section fifteen (15)," and by inserting therein, in lieu thereof, the words "the west half of the north west quarter of section fifteen (15)," and in article three, section two, by striking out the word "biennially," in the second line of said section, and inserting therein the following words: "and every four years," in lieu thereof, and in article two, section four, by striking out the words "and shall appoint their own president." Alterations, etc.

§ 2. This shall to be deemed a public act, and to be in force from and after its passage.

APPROVED February 21, 1867.

In force Feb'y 5, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Tamaroa," approved February 17, A. D. 1859.

Taxes—rate of. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That,* in addition to the powers conferred upon the president and trustees of the town of Tamaroa, in the county of Perry, by the above mentioned act, they shall have the power to levy and collect taxes, for town purposes, upon all the property, real and personal, within the incorporated limits of said town of Tamaroa, not exceeding one-half of one per cent. or five mills to the dollar. And the president and trustees of said town may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

Assessor and collector, § 2. To create, by ordinance, the offices of town assessor and town collector; to fix the fees of the assessor and collector, and define their duties, and require bonds for the faithful performance of their duties.

Miscellaneous regulations, provisions, etc. § 3. To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for that purpose, and enforce the same within two miles of the town.

§ 4. To make regulations to secure the general health of the inhabitants of the town; and to declare what shall be a nuisance, and to prevent and remove the same.

§ 5. To establish and support and regulate night watches.

§ 6. To provide for and erect a town jail.

§ 7. To provide for inclosing, improving and regulating all public grounds belonging to said town.

§ 8. To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, bawdy houses, gambling and gambling houses; and to suppress and restrain houses kept for the practice of fornication or adultery; and to suppress lotteries and all fraudulent devices and practices, and playing of cards, dice and other games of chance, with or without betting; and to authorize the seizure and disposal of all instruments used for the purpose of gaming.

§ 9. To regulate, restrain and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the incorporated limits of said town, except persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

§ 10. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 11. To prevent and suppress any riot, rout, affray, unlawful assemblage or noise, drunkenness, disturbance or disorder, by assembling in any public or private place.

§ 12. To prevent and suppress the giving away or selling liquors, of spirituous or malt kind, on the Sabbath day.

§ 13. To prevent and restrain any disturbance by labor or amusement on the Sabbath day.

§ 14. To provide, by ordinance, for the taking of a vote at each general election for president and trustees of said town for and against licensing groceries in said town. And if a majority of the voters at said election shall vote for license, then the said board shall have power to license and regulate groceries in said town; but if a majority of the votes cast shall be against license, the board of trustees shall not license.

§ 15. At the first election of trustees, after the passage of this act, and every four years thereafter, there shall be elected in said town a police justice and police constable, who shall, respectively, hold their offices until their successors are elected and qualified; and they shall perform the same duties and exercise the same powers provided by law in case of justices of the peace and constables in Perry county; and, in addition thereto, shall have jurisdiction of any case arising under the ordinances of said trustees; and the police constable shall have the power to serve all papers and make all arrests required in suit before said police justice. They shall give bonds to the trustees of the said town, with like conditions provided by law for justices and constables, but payable to the president and trustees in the sum of one thousand dollars, to the use of the people of the state of Illinois. The returns of their election shall be made to the county clerk as in other cases of justices of the peace, and shall be, in like manner, qualified and commissioned.

Police justice
and constable.

Duties of.

§ 16. The president and trustees of the town shall have power to provide, by ordinance, for the trial and punishment of any person or persons that violate any of the ordinances of said town, and that persons convicted of any such violation of any of the ordinances of said town shall stand committed until the fine or penalty and all costs are paid: *Provided*, that no fine or penalty shall exceed one hundred dollars.

Punishment of
offenders.

§ 17. The said president and trustees of said town shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act and the act to which this is an amendment, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or this state.

Necessary ordi-
nances.

§ 18. And all ordinances, so passed by the president and trustees of the town, shall be published in a newspaper of said town or posted up ten days in three of the most public

places in the said town of Tamaroa, and shall not be enforced until they shall have been published, as aforesaid.

§ 19. All ordinances of the said town of Tamaroa may be proven by the seal of said corporation; and, when printed in a book or pamphlet form, and purporting to be printed and published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Evidence of.

§ 20. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state.

APPROVED February 5, 1867.

In force Feb'y 25, 1867. AN ACT to amend the charter of the town of Mason, Effingham county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the qualified electors of the town of Mason may have power, by complying with the laws of the state of Illinois regulating elections, to elect one police justice and one constable for said town, and that said justice and constable shall have concurrent jurisdiction, with fees and compensation allowed by law to other justices and constables, and such other fees and compensation as may be granted them by the board of trustees of said town of Mason; and the said police justice shall be commissioned by the governor of the state of Illinois, and qualified according to law, and give bond to the board of trustees of said town for the faithful performance of his duty as such justice; and that the said constable shall give bond, as aforesaid, and be qualified according to law; and said justice and constable shall continue in office for one year from the date of their election, and until their successors shall be elected and qualified.

Police justice and constable.

Compensation.

How commissioned.

§ 2. This act to take effect from and after its passage.
APPROVED February 25, 1867.

In force March 9, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Fieldon, Jersey county, Illinois," approved February 7, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legal voters of said town of Fieldon are hereby authorized to elect a justice of the peace, who shall reside in said town,

Election of justice of the peace.

and also one constable, who shall likewise reside in said town, and who shall have the same jurisdiction that other justices of the peace and constables have or may have, and who shall give bond, be commissioned and qualified as other justices of the peace and constables, and who shall hold said offices for four years, and until their successors are elected and qualified. Jurisdiction.

§ 2. The president and trustees of said town shall give fifteen days' notice of the time and place of holding such election, shall appoint three judges and two clerks of election, who shall conduct said election according to the laws of this state, and shall make return of the poll books to the clerk of the county court of Jersey county, who shall make out an abstract of the same, as in other elections for justices of the peace. Notice of election.

§ 3. The first election held under this act to be on the first Monday in April, A. D. 1867, and every four years thereafter, and a special election may be held at any time to fill a vacancy. Special elections

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

AN ACT vacating the town of Bates, in the county of Sangamon.

In force March 8, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Bates, in the county of Sangamon, be and the same is hereby vacated. Vacated.

§ 3. This act to be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT to change the name of the town of Athens, in St. Clair county. In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of "Athens," in St. Clair county, Illinois, be and the same is hereby changed to that of "New Athens;" and by such latter name it shall be known and called in all courts and places whatever. Name.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 25, 1867.

In force March 8, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Courtland," approved February 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of an act entitled "An act to incorporate the town of Courtland," approved February 16, 1865, is hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

In force March 9, 1867. AN ACT to incorporate the town of Nokomis, in Montgomery county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and the residents of the town of Nokomis are hereby made a body corporate and politic, in law and in fact, by the name and style of "The president and Board of Trustees of the Town of Nokomis;" and, by that name, shall have perpetual succession; and shall have a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name and style

Boundaries.

§ 2. The boundaries of said corporation shall extend one-half a mile in each and every direction from the center of the public square of the original plat of the town of Nokomis, as recorded in the recorder's office of the county of Montgomery.

Trustees.

§ 3. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business; and the persons who may be in office as trustees in said town, under the general incorporation act of this state, shall, after the passage of this act, be deemed to hold their offices by virtue of this act, until the first Monday of March, eighteen hundred and sixty-eight, and until their successors in office are elected and qualified, and to discharge their duties in conformity to the provisions of this act.

Election of officers.

Term of office.

§ 4. That there shall, on the first Monday of March, eighteen hundred and sixty-eight, be elected five trustees, and on every first Monday of March thereafter, who shall hold their offices for one year, and until their successors are duly elected and qualified. And public notice of time and place of holding said election shall be given by the president and trustees of said town, by an advertisement pub-

lished in a newspaper in said town, or by posting in at least three of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town. And all white male inhabitants over twenty-one years of age, who have resided in the state one year and in said town thirty days next preceding an election, shall be entitled to vote for trustees. And the said trustees shall, at the first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation or otherwise: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur for a longer time the board shall give ten days' notice of by posting up at least three advertisements in said town for the election of a trustee to fill such vacancy, to be filled in the same manner as provided for in regular elections; and said trustees shall be judges of all town elections, and shall have power to appoint a clerk, a treasurer and assessor, a street commissioner and a town constable, which said officers, so appointed, shall give bond and security in such amount and with such conditions as the trustees may require. And the said town constable shall take an oath of office before some justice of the peace that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines, assessments, and serve all processes at the suit of the corporation, and shall execute all writs, process and precepts which may be issued against any person or persons for a violation of any offense of the laws or ordinances of the town; and shall have and possess the same powers and perform the same duties, in other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform. Said constable shall hold his office for one year, and until his successor is elected and qualified.

Qualified voters

President.

Vacancies.

Judges of elections.

§ 5. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said town; to purchase, receive and hold property, both personal and real, beyond the corporation limits, for burial grounds or other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town; and to improve and protect such property, and to do all other things in relation thereto the same as natural persons.

Powers of incorporation.

§ 6. There shall be elected in the town of Nokomis, by the qualified voters thereof, on the first Monday of March,

Election of police justice. of eighteen hundred and sixty-eight, and on the first Monday of March, biennially forever thereafter, a police justice, who shall hold his office four years and until his successor shall be elected and qualified. No person shall be eligible to the office of police justice who shall not have been a resident of the town for one year next preceding his election, or who shall be under twenty-one years of age. For the election of police justice the town of Nokomis is hereby declared an elective precinct. And such election shall be conducted and the returns thereof made in the same manner as the elections and returns of other justices of the peace: *Provided*, such elections shall be held at the same time, and shall be conducted by the same judges, as the election for members of the town trustees. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond, and take and subscribe to the same oath of office as other justices of the peace, and, as such shall be a conservator of the peace for the said town, and shall have power and authority to administer oaths, issue writs and processes; to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation and concurrent jurisdiction, power and authority, in all cases whatsoever, with all other justices of the peace, arising under the laws of this state; and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

How commissioned. Bonds of. Powers and authority. Vacancies. Whenever the police justice shall remove from the town, resign or die, or his office shall be otherwise vacated, the town trustees shall immediately provide for filling such vacancy by an election.

Actions, fines, etc., vested in corporation. § 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Nokomis shall be vested in and prosecuted by the corporation hereby created. This charter shall not invalidate any act done by the president and trustees of the town of Nokomis, nor divest them of any rights which have accrued to them prior to the passage of this act.

Government. § 8. The trustees, aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction and for the transaction of the business and concerns of the corporation as they may deem expedient; and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town, and for the management, disposition, control and application of its corporate property; and, generally, to do and execute all and singular such acts, matters and things, which to them may

seem necessary to do, and which are not contrary to the laws and constitution of this state.

§ 9. The said trustees shall have power to levy and collect a tax, not exceeding one-half per cent. on all lots and improvements and personal property lying and being within the incorporated limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, beer houses and stores, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require; and may adopt such modes and means for the assessment and collection of taxes as they shall, from time to time, deem expedient, and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of any real estate shall be made until public notice of the time and place of sale shall be given by advertisement in some newspaper in said town, or at four of the most public places in said town, by putting up written notices containing a list of said delinquent real estate, at least thirty days previous to the day of sale. Taxes.

§ 10. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public square and alleys in said town; for which purpose they shall have power to levy, annually, a road labor or tax, of not more than five days nor less than two days, against every able-bodied male inhabitant of said town over the age of twenty-one years and under fifty years of age—to be collected, if not worked out, at the rate of one dollar and fifty cents per day, and expended in such manner as they shall determine and direct. The trustees shall have power to tax, prohibit, restrain and suppress tippling houses, dram shops and gaming or gambling houses, bawdy houses, and other disorderly houses, and to suppress and restrain billiard tables. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud or unusual noises or for disturbing persons assembled at religious or other meetings in said town; for which purpose the trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect, and impose fines for the violation thereof; which fines shall be recovered before any justice of the peace in said town. Street improvements, etc.

§ 11. It shall be the duty of the police justice of said town, and he is hereby authorized and empowered, on view or upon complaint being made to him upon oath, of the violation of any law or ordinance of said town, to issue his Punishment of offenders.

Appeals.

Sidewalks, etc.

Publication of ordinances.

Additions to town.

warrant, directed the town constable or to any authorized person to apprehend the offender or offenders, and bring him or them before him forthwith ; and, after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fine or imprisonment as is provided by the laws of this state for the punishment of similar offenses. In all cases arising under the provisions of this act appeals may be taken and writs of *certiorari* allowed, as is now or may hereafter be provided by law. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury, for the use of the inhabitants of the town.

§ 12. The said trustees shall have power to make pavements or sidewalks in said town as to them may seem needful. The said trustees shall have power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal thereof. That all ordinances of said town shall be written out and signed by the president and clerk, and published in a newspaper, or posted up at three of the most public places in said town for ten days before said ordinances shall be in force. The inhabitants of said town are exempted from working upon any road beyond the limits of the corporation, and from paying any tax upon property within its limits, to procure laborers to work upon any such road. All additions hereafter made to the town of Nokomis shall comply with the plat of said town, so the streets will run parallel with the plat of said town.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED March 9, 1867.

In force Feb'y 23, 1867. AN ACT to change the name of Whitfield, in LaSalle county, and state of Illinois, and to extend the charter of Belvidere over the same.

Name changed.

Act app. Feb'y 5, 1857, extended over village of Leland.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the name of Whitfield, in LaSalle county, and state of Illinois, be and hereby is changed to "Leland," and hereafter shall be known and recognized as the "Village of Leland."*

§ 2. That the act entitled "An act to incorporate the town of Belvidere, in Boone county, and state of Illinois," approved February 5th, A. D. 1857, be and hereby is extended to and over the corporate limits of the village of Leland, in LaSalle county, Illinois, giving to the president and trustees of the said village of Leland all the powers,

rights and privileges which said act confers on the president and trustees of the town of Belvidere, as far as applicable to the said village of Leland.

§ 3. The first election of trustees shall be on the first Monday of December, A. D. 1867, and on the first Monday of December, in each and every year thereafter; and the present board of trustees shall hold their office until the first Monday of December, A. D. 1867, and until their successors are elected and qualified. Election of trustees.

4. This act shall be deemed a public act, and be in force from and after its passage, repealing all former acts in conflict with this act. Conflicting acts repealed.

APPROVED February 23, 1867.

AN ACT to change the name of the town of Sherman to that of Dupue and to extend the corporate powers thereof. In force Feb'y 18, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Sherman, in Bureau county, be and the same is hereby changed to that of "Dupue." Name changed.

§ 2. The president and trustees of said town of Dupue, and their successors in office, are hereby declared a body corporate and politic, and, by that name, shall have perpetual succession, and a common seal, which they may alter at pleasure; and shall have power to pass all the ordinances and by-laws, and possess and exercise all the powers authorized under the laws and amendatory acts incorporating the town of Princeton, in the county of Bureau, or under the general law of this state relating to the incorporation of towns. Corporate powers.

§ 3. This act shall not invalidate any act done or to be done by the president and trustees of the town of Sherman, in said Bureau county, nor divest said president and trustees of any rights which have accrued to them prior to the passage of this act. All the official acts of the town authorities of said town of Sherman are hereby continued and declared to be in force. All the powers, franchises and privileges heretofore exercised by said town authorities, and all property by them held for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created. Invalidation of former acts.

§ 4. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Sherman, shall be vested in and prosecuted by the corporation hereby created. Powers, etc., in force.

§ 5. This act shall be in force from and after its passage. Fines, etc.

APPROVED February 18, 1867.

In force Feb'y AN ACT to vacate a portion of the plat of Perry's addition to the town of
28, 1867. Jerseyville, and, also, certain out-lots therein named.

Preamble.

WHEREAS William S. Hawley has become sole owner of the following described real estate, viz: Lots No. five (5), six (6), seven (7), eight (8), and nine (9), in block No. two (2), in Perry's addition to the town of Jerseyville, and also Jerseyville out-lots No. twenty-six (26) and twenty-seven (27); therefore,

Vacated alleys
described.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That lots No. five (5), six (6), seven (7), eight (8), and nine (9), in block No. two (2), in Perry's addition to the town of Jerseyville, and also Jerseyville out-lots No. twenty-six (26) and twenty-seven (27), be and the same are hereby vacated, and that the title to the same shall vest in William S. Hawley, their present owner.

§ 2. This act shall take effect from and after its passage.

APPROVED February 28, 1867.

In force Feb'y AN ACT to amend an act entitled "An act to incorporate the town of
22, 1867. Bunker Hill."

Powers to
license, etc.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred upon the town council of the town of Bunker Hill by the eleventh section of the fourth article of the act to which this is an amendment, the said town council shall have power to license, tax and regulate insurance and express companies and insurance and express agents doing business in said town.

Surveyor.

§ 2. The town council of said town are hereby authorized to appoint a surveyor for said town; and the said surveyor, when so appointed, shall have and possess all the powers and be subject to all the duties, within the limits of said town, as are imposed upon or possessed by county surveyors by the laws of this state.

APPROVED February 22, 1867.

AN ACT to amend the charter of the town of Winchester.

In force when
adopted by le-
gal voters.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate authorities of the town of Winchester, in Scott county, shall have, in addition to the powers now provided for in their act of incorporation, power to provide punishment for the use of language calculated to provoke a breach of the peace.

Additional pow-
ers.

§ 2. To provide for the punishment of blasphemy, profanity and vulgarity, uttered publicly, to the detriment of good morals and public decency.

Punishment of
blasphemy.

§ 3. That so much of the present charter of said town as commits the retail of spirituous, vinous, malt and other intoxicating liquors to the discretion of the inhabitants of said town, be repealed, and that, hereafter, no power shall exist in said town, or the corporate authorities thereof, to license groceries, tippling shops or other places, or any person, for the sale of alcoholic, vinous, malt or other intoxicating liquors within the corporate jurisdiction of said town, in any quantity whatever; but the corporate authorities of said town shall have power to prohibit, by their by-laws, all such sales, and, for that purpose, may seize all such liquors found in the possession of any person, and other property used in and about the sale thereof, and, on proof that the owner, person in possession, agent or other person, by mere permission, has sold any such liquor, directly or indirectly, they may provide for the destruction of said liquor, and may punish the offense by fine or imprisonment in the county jail; and any justice of the peace shall, with a jury, or without, if dispensed with by the delinquent, have jurisdiction to try such cases: *Provided*, the fine shall not be over one hundred dollars, nor the imprisonment more than two months.

Authority to
license liquor
traffic revoked.

Penalties.

§ 4. The corporate authorities shall have power to tax any town lot for the construction of sidewalks bordering on the same.

Taxes.

§ 5. The by-laws of said town, when passed by the board of trustees, and published in a newspaper in said town, or posted up in three places in said town, and recorded on the corporation book for recording laws, shall be in force; and if the authorities of said town shall cause their laws to be printed in pamphlet or book form, certified by their clerk as authentic, and the certificate printed therewith, such book or pamphlet may be used as evidence in all cases, without further proof.

§ 6. This act shall be submitted to the legal voters of said town at any regular election, and, if adopted by a ma-

Act submitted
to vote.

majority of those voting, shall be in force from and after such election.

APPROVED February 18, 1867.

In force Feb'y
18, 1867.

AN ACT to amend an act entitled "An act to extend the corporate powers of the town of Princeton," approved February 18, 1857, and to amend the several acts amendatory thereof.

Additional pow-
ers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in addition to the powers already conferred upon it, the town council of the town of Princeton, in the county of Bureau, and state of Illinois, shall have power to cause the expenses of any improvement heretofore ordered or hereafter to be ordered by it, and authorized to be made under the provisions of the charter of said town, or any of the several acts amendatory thereof, with the costs of proceeding thereon, to be collected by general taxation, as other taxes in said town are collected, or by assessment upon the real estate benefited by such improvement, in proportion to the special benefits resulting to such real estate, and the several parts thereof, in such manner as the said town council may by ordinance direct, and to provide for the collection, by taxation, as aforesaid, of any excess of such expenses over and above the amount of special benefits assessed.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 18, 1867.

In force Feb'y
18, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Columbus, Adams county," approved February 14, 1855.

Liquor license.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of the town of Columbus, or a majority of them, shall have power to regulate, restrain, license, tax or prohibit, by ordinance, the sale of spirituous, vinous, malt or other intoxicating liquors in said town.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 13, 1867.

AN ACT to incorporate the town of Industry.

In force Feb'y
19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Industry be and they are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Industry;" and may, by that name, have perpetual succession; may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, in all actions whatever; to purchase, receive and hold property, both real and personal within said town, and to purchase, hold and receive property, real and personal, without the corporate limits thereof, for burial grounds and other public purposes for the use and benefit of the inhabitants of said town, and to sell, lease, convey and otherwise dispose of said property, and to improve and protect the same.

Name and style.

Corporate powers.

§ 2. Said town shall include within its corporate limits all that territory included within the lines bounding the south-east quarter of section fifteen, (15,) the south half of the north-east quarter and the east half of the south-west quarter of said section fifteen, (15,)—all being in township number four (4) north, range two (2) west of the fourth principal meridian, McDonough county Illinois.

Boundaries.

§ 3. The corporate powers of said town shall be vested in five trustees one of whom shall officiate as president, (to be chosen by the board); all of whom shall be citizens of said town one year previous to their appointment or election, and shall serve for the term of one year, until their successors are elected and qualified.

Trustees.

§ 4. The citizens of said town of Industry are hereby authorized to hold an election in said town on the sixth day of May, 1867, for the purpose of electing said board of trustees.

Election of.

§ 5. At the first meeting of the board, and before entering upon the duties of their office, they shall each subscribe an oath, before some officer legally authorized to administer oaths, to support the constitution of the United States and the constitution of the state of Illinois and faithfully to perform the duties of their office to the best of their ability; after which they will select one of their number to preside as president for the ensuing term.

Oath of office.

§ 6. The board of trustees shall be judges of the qualifications, elections and returns of their own members, and shall determine all contested elections.

Judges of qualifications.

§ 7. A majority of the board of trustees shall constitute a quorum to transact business, but a smaller number may adjourn, from day to day, and compel the attendance of

Quorum.

absent members under such penalties as may be prescribed by ordinance.

Rule of proceedings.

§ 8. The board of trustees shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the trustees, expel a member.

Vacancies.

§ 9. Removal from the limits of the town shall vacate the office of any trustee; and all vacancies may be filled by the remaining members of the board.

Journal.

§ 10. The board of trustees shall keep a journal of its proceedings, which shall always be subject to inspection of citizens of the town.

Town officers.

§ 11. The trustees may, at any of their annual elections, appoint a town constable, clerk, treasurer, street commissioner, and such other officers as may be necessary for the good of the town and may fill all vacancies that may occur in said offices previous to the annual election. They shall prescribe the duties and compensation of each of said officers, and may require each to take an oath and give bond for the faithful performance of his duties.

Bonds.

§ 12. All official bonds required to be given under the provisions of this act shall be made payable to the president and trustees of the town of Industry.

Constables.

Duties of.

§ 13. The trustees of said town may appoint a town constable for said town, whose duty it shall be, when he shall have given bond and been sworn into office, to execute, anywhere in McDonough county, any writ, process and precept, which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest, on view, any and all persons who may violate the same, and to take them before any magistrate of said town, and to collect any fine, forfeiture or penalty which may be assessed or recovered, for the use of said town.

Qualification of voters.

§ 14. All male white citizens of the United States, above the age of twenty-one years, who are not disqualified by the laws of the state for voting for members of the legislature, and who shall have resided within the limits of said town of Industry six months next preceding any annual election shall be qualified to vote for officers of said town of Industry.

Taxes.

§ 15. The board of trustees of said town shall have power and authority to levy and collect taxes upon all property, both real and personal, within the limits of said town, not exceeding one half of one per cent. upon the assessed value thereof, and also assess and enforce payment of the same in any manner prescribed by ordinance, not contrary to the constitution and laws of this state, or the trustees may adopt the annual assessment of said property made by the township assessor and cause the same to be collected by the township collector.

§ 16. In case the board of trustees of said town shall adopt the latter mode of assessing and collecting the town taxes, they shall, as soon as the township assessor shall make return of his assessment, notify the clerk of the county of that fact and file in his office a copy of the ordinance adopting the township assessment and establishing the rate of taxation.

Returns of
assessments.

§ 17. Upon the filing of the ordinance, as aforesaid, the taxes for the town, at the rate established, shall be calculated and extended by the proper officers of the county, and the same collected by the collector of the township with the state and county taxes, and in the same manner.

Extension of.

§ 18. The taxes, when collected, shall be paid over to the treasurer of the town, and the township officers shall be paid the same compensation for services under this act as are allowed them for similar services under the laws of this state.

Compensation.

§ 19. The trustees of said town shall have power and authority to appropriate money for the payment of the debts and expenses of the town. To make regulations to secure the health of the inhabitants, and to prevent the introduction of contagious disease into the town; to dig wells and cisterns and erect pumps; to provide water for the use of the inhabitants; to provide for the extinguishment and prevention of fires; to regulate the fixing of chimneys and flues; to regulate the storage of gunpowder, tar, pitch rosin, and other combustible material; to provide for the inspection and weighing of hay, stone coal, the measuring of charcoal, firewood, and other fuel, to be sold in the town; to provide for the inclosing and improving all public grounds belonging to the town; to license, tax and regulate auctioneers, pawnbrokers, peddlers and brokers; to license, tax and regulate hacks, omnibuses, wagons, carts and drays; to license, tax and regulate theatrical and other shows and exhibitions; to license, tax, regulate or suppress all groceries, dram shops, tippling houses, and other houses where spirituous, vinous or malt liquors are sold or in any way disposed of; to restrain and suppress gaming houses, bawdy houses and other disorderly houses; to license, tax and regulate or entirely prohibit and suppress billiard tables and bowling alleys; to open, alter, abolish, straighten, widen, extend, establish, grade, pave or gravel, or otherwise improve and keep in order streets, avenues, lanes and alleys, and, for that purpose, the board of trustees shall have power to assess a road labor tax, not to exceed five days' labor in each year, upon each and every male, residing within the limits of said town, between the ages of twenty-one and forty-five years, and provide for the time and manner of collecting the said tax; to construct bridges, culverts and side-walks; and they may require the owners of real estate adjoining said side-walks to pay the cost of constructing the same—the amount to be paid by

Powers of trustees.

each to be in proportion to the number of feet his or her lots shall extend along said side-walks; to declare what shall be considered a public nuisance, and prevent and remove the same; to regulate the election of town officers and fix their compensation; to regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of such fines, penalties, forfeitures, and the enforcement of such penalties: *Provided*, that for each violation of an ordinance no fine imposed shall be less than three nor more than one hundred dollars.

Necessary ordi-
nances.

§ 20. The board of trustees shall have power to make all ordinances necessary and proper to carry into effect the powers specified and granted in this act: *Provided*, that such ordinances shall not be contrary to the constitution and laws of the state.

Style of ordi-
nances.

§ 21. The style of the ordinances shall be, "*Be it Ordained by the President and Trustees of the Town of Industry.*"

Disposition of
fines, etc.

§ 22. All moneys arising from licenses, fines, forfeitures, penalties, or otherwise, under the provisions of this act or under any ordinance, by-law or resolution passed in accordance with the same, shall be paid over by the officers or persons collecting the same into the treasury of said town, to be expended by the president and trustees for the improvement of the same.

Suits for recov-
ery of fines.

§ 23. Any fine, forfeiture or penalty incurred under this act or any ordinance, by-law or resolution passed in accordance with this act, or that may be incurred under any act or acts that may be passed amendatory of this act, may be recovered, together with cost of suit, before any justice of the peace of said town; and several fines, forfeitures or penalties for breaches of the same ordinance, by-law or resolution, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be summons, unless oath or affirmation be made for warrant by some credible person; but in all cases of assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offenses against the laws of the state. It shall be lawful to declare, generally, for debt, to recover such fines, penalties or forfeitures. Upon rendition of judgment, the justice of the peace before whom the same shall have been recovered shall issue his execution for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants, not exempt from execution. If the constable shall return upon such execution "no property found" then the justice of the peace by whom the same shall have been issued shall issue a *ca. sa.* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him, her or them to the

jail of the county, to remain forty-eight hours; and if the judgment and cost exceed five dollars then remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars; and so in proportion to the amount of the judgment and costs: *Provided, however*, if the said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same to him in writing, he shall not issue a *ca. sa.*, as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to such clerk, which shall be filed and recorded as in other cases; and such judgment shall have the same force and effect as judgments recorded in the circuit court: *Provided*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges as in other cases.

§ 24. All ordinances, by-laws and resolutions passed by the president and trustees of said town, as incorporated under the general corporation act of this state, and which are not inconsistent herewith, shall remain in full force and effect until the same shall be repealed by the president and trustees of the corporation created by this act. Prior ordinances in force

§ 25. This act is hereby declared a public act, and shall take effect from and after its passage.

APPROVED February 19, 1867.

AN ACT to amend an act entitled "An act to incorporate the town of Odin, in Marion county, state of Illinois," passed and approved February 28, 1865. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section two of said act, relating to magistrates and constables, be so amended that the police justice of the peace of said town of Odin shall be elected on the first Monday of May, 1867, and every four years thereafter, and hold his office for the term of four years, and until his successor shall be elected and qualified. Sec. 2 amended

§ 2. That the said police justice or other precinct justice of the peace within said corporation, acting as police justice, shall have jurisdiction, in all cases, the same that other justices of the peace of the county have, both civil and criminal. And in all cases the parties, both plaintiff and defendant, may have the right of change of venue, in manner that is now provided by law. And in case the Justices' jurisdiction.

amount in controversy in civil cases shall exceed the jurisdiction of the precinct justices of the peace then the change shall be taken to the nearest justice of the peace or police justice having jurisdiction of the amount in controversy.

Sec. 2 of miscellaneous provisions amended

§ 3. That section two, of miscellaneous provisions, in said act shall be so amended that any person failing, neglecting or refusing to perform the labor on the streets and highways, as provided by said section two, of miscellaneous provisions, in said act, shall forfeit and pay one dollar and fifty cents to said board of trustees for each day he shall so neglect or refuse to work as aforesaid—the same to be collected as shall be provided by ordinance. This act shall be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT to annex certain territory to town seven (7) north, two (2) east of third (3d) meridian, in Fayette county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That those parts of town seven (7) north, of range one (1) east of the third (3d) principal meridian, (Sharon,) and of town eight (8) north, of range two (2) east of same meridian, (Bowling Green,) which lie on the left bank of the Okaw river and adjoining town seven (7) north, of range two (2) east, (Sefton,) be and the same are hereby annexed to town seven (7) north, two (2) east, (Sefton,) for school purposes as well as for election purposes, and shall be under the jurisdiction and control of the board of trustees of town seven (7) north, two (2) east, (Sefton,) as fully and completely as though they were parts of said town by original survey.

Additions defined.

Duties of treasurer.

§ 2. The treasurers of town seven (7) north, one (1) east, (Sharon,) and of eight (8) north, two (2) east, (Bowling Green,) are hereby required to pay to the treasurer of town seven (7) north, two (2) east, (Sefton,) all moneys belonging to those parts of townships hereby annexed, from whatever source derived, whether from sale of school lands, accrued interest, or taxes, or any other source whatever.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the town of Mendon.

In force May
1, 1867

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the people residing within one mile square, comprising the east half and the east half of the west half of section eleven, and the west half of the west half of section twelve, in township one north, in range eight west of the fourth principal meridian, in the state of Illinois, and the district of country comprising said mile square, be and the same are hereby created a body politic and corporate, by the name and style of "The Town of Mendon;" and, as such, may, at the town meeting of the township of Mendon, on the first Tuesday of April next, (the legal voters residing within said mile square,) organize a poll, elect judges of election, and elect, by ballot, five trustees for said town of Mendon, who shall hold their office for one year and until their successors are elected and qualified. The trustees of said town shall elect one of their number president, and shall have all the powers conferred upon the city of Quincy by virtue of any law of this state. This act shall take effect from and after its passage. There shall be elected in said town one police magistrate. Said town shall not impose an annual tax to exceed one per cent. per annum.

Boundaries

Name and style

Trustees.

President.

Police magis-
trate.

APPROVED March 1, 1867.

AN ACT to vacate part of a town plat.

In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the town plat of Jones and Puckit's addition to the town of Griggsville, in Pike county, as includes out lots numbered from five to twenty, both inclusive, be and the same is hereby vacated.

§ 2. This act shall be in force from and after its passage.

APPROVED February 26, 1867.

AN ACT for the benefit of the town of McLeansboro.

In force Feb'y
22, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, all money which shall be paid for license to keep

groceries and for other privileges within the corporate limits of said town, shall be paid into the treasury of said town.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 23, 1867. AN ACT to incorporate the town of Panola, in the county of Woodford, in the state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Panola, in the county of Woodford, and state of Illinois, be and they are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the town of Panola;" and, by that name and style, shall have perpetual succession; and may have and use a common seal, which they may alter or change at pleasure, and on whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

enter of corpe-
rate limits. § 2. The depot or station house belonging to the Illinois Central Railroad Company, situated in said town of Panola, shall be the center of the limits of said corporate town, which said limits shall extend one-half mile north, one-half south, one-half east, and one-half west of said railroad depot or station; and the corporate limits shall be just one mile square.

Election of trus-
tees. § 3. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of business of said town, and shall be elected by the legal voters of said town; which said election shall be held on the first Monday in April, A. D. 1867, and on the first Monday of April in each and every year thereafter.

Qualifications. The persons so elected shall be citizens of the United States and of this state, they shall possess a freehold estate within said town, and shall have actually resided within said town six months next preceding their said election, and shall hold their offices for one year and until their successors are elected and qualified, unless removed by death, resignation or otherwise.

Oath of office. § 4. The trustees, so elected, before entering on the duties of their office, shall take and subscribe an oath to support the constitution of the United States and of this state, and faithfully to discharge the duties of their office. They shall hold at least one regular meeting every three months, and shall, at their first meeting after their election, appoint one of their number president of said board.

President,

§ 5. They shall have power to license, tax and regulate Licenses. auctioneers, eating houses, hawkers and peddlers; to restrain and prohibit every description of gambling, gambling houses and other disorderly houses.

§ 6. The said president and trustees of said town of Liquor traffic. Panola shall have and exercise complete and exclusive control over the selling, bartering, exchanging, giving away or in any manner trafficking in any wine, rum, gin, brandy, whisky or other intoxicating liquor, within the limits of said town; and they may, by ordinance, declare any such selling, bartering, exchanging, giving away, or in any manner trafficking in any such wine, gin, rum, brandy, whisky or other intoxicating liquor, including lager beer and ale, within the corporate limits of said town, and the place or places where the same is carried on, a nuisance; and shall have power to provide, by ordinance, for the abatement of any such nuisance, and punish the author or authors thereof.

§ 7. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to vacate a part of Charity Herrington's addition to the village In force Feb'y 21, 1867. of Geneva.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Charity Herrington's addition to the village of Geneva, in Kane county, be and the same is hereby vacated, except blocks one, two, three, four and five, and the streets and alleys in and around them.

§ 2. This act to take effect from and after its passage.

APPROVED February 21, 1867.

AN ACT to divide the town of Bloomington into voting districts.

In force March 5, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the board of supervisors of McLean county are hereby authorized to divide the town of Bloomington, in said county, into as many election precincts or districts, for all general and special elections, as they may think expedient for the convenience of the voters of said town, and to appoint judges of elections for new precincts or districts they may create in

Election precincts. pre-

said town, who shall conduct elections in said new precincts or districts as now provided by law. Said board shall, also, designate the house or place in each precinct or district at which elections are to be holden; and all general or special elections shall be held at the place so designated until changed by said board.

Duties of super-
visors.

§ 2. It shall be the duty of said board of supervisors, at their September term, annually, to appoint said judges of elections, to provide suitable ballot boxes for said precincts or districts; and the clerk of the county court shall notify said judges of election, as now provided by law.

§ 3. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED March 5, 1867.

In force March 5, 1867. AN ACT entitled an act to revive and amend "An act to incorporate the town of Upper Alton," approved February 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act of the legislature, entitled "An act to incorporate the town of Upper Alton," approved February 16, 1865, be and the same is hereby revived and re-enacted and declared to be in full force and effect.

Act app. Feb'y
16, 1865 reviv'd
and re-enacted

First sec. of art.
4, amended.

§ 2. *Be it further enacted,* That the first section of the fourth article of said act of incorporation be so amended as to read as follows, to-wit: "On the first Monday after the fourth day of July, A. D. 1868, an election shall be held in said town for the president and four members of the town council; and forever thereafter, on the first Monday after the fourth day of April of each year there shall be an election held for said officers. The first election shall be held, conducted and returns thereof made as may be provided by ordinance by the present president and trustees of the town of Upper Alton, and all succeeding elections, as may be provided by ordinance of the town council by this act created.

Sec. 15, art. 4,
repealed.

§ 3. That section fifteen of article four of said act of incorporation be and the same is hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT supplemental to an act entitled "An act to amend an act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village," approved February 18, 1857. In force March 5, 1867.

WHEREAS Congress, by an act approved the 1st of May, 1820, confirmed the laying out of a town, called "Illinois City," by Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot and Francis Turcotte, as the agents of the inhabitants of the village of Cahokia, on one of the tracts of land confirmed by congress on the 12th day of February, 1812, as a common to the village of Cahokia; and whereas congress, by the said act of the 1st of May, 1820, authorized said agents, or any three of them, to convey, by deed, in fee simple, the lots in said town of Illinois City to the inhabitants of the village of Cahokia; and whereas said agents have long since died, without having conveyed all of the lots in said town of Illinois City; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor of the village of Cahokia may and he is hereby authorized to lease any and all of the lots in said town of Illinois City which were not conveyed by Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot and Francis Turcotte, as the agents of the inhabitants of the village of Cahokia, in pursuance of the act of congress of the 1st of May, A. D. 1820. Lease of lots.

§ 2. The supervisor, in leasing lots in said town of Illinois City, shall adopt the plat of said town on file in the recorder's office in the county of St. Clair; and so much of the act to which this is a supplement that requires that a survey and plat shall first be made of the land to be leased is hereby repealed, as regards the leasing of lots in the town of Illinois City. Plats and surveys.

§ 3. This act shall take effect from and after its passage.

APPROVED March 5, 1867.

AN ACT to amend the charter of the town of Golconda.

In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of said charter as provides for the town judge holding his office one year is hereby repealed. The trustees [of said town] may cause an election to be held in said town for a town judge, who shall hold his office for four years, and until his successor shall be elected and qualified. Said town judge shall be commissioned by the governor, and Judge—how commissioned.

shall be, *ex-officio*, a justice of the peace, with concurrent jurisdiction of other justices of the peace, in addition to the jurisdiction now provided by law for said town judge.

§ 2. This act to be in force from and after its passage.

APPROVED February 25, 1867.

In force March 8, 1867. AN ACT to change the name of the town of Goodale, in Lake county, to that of Grant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Goodale, in Lake county, be and the same is hereby changed to that of Grant, by which name it shall hereafter be known and called.

§ 2. The changing of the name of said town of Goodale to that of Grant, as in this act provided, shall not operate to impair, in any manner, any of the rights, property and privileges held and enjoyed by the said town of Goodale, nor shall it operate to release any debts or liabilities of said town, nor shall this act affect, in any manner, said town of Goodale, except to change the name thereof, as in this act provided.

§ 3. This act shall take effect immediately upon its passage.

APPROVED March 8, 1867.

In force Feb'y 28, 1867. AN ACT to change the name of the town of Baden, in Clinton county, to that of New Baden.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, from and after the passage of this act, the name of the town of Baden, in Clinton county, state of Illinois, be and is hereby changed to that of New Baden.

§ 2. This act to be a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to amend an act entitled "An act to incorporate the town in force March of Augusta," approved February 24, 1859. 9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Augusta shall have Prison. power to erect or provide a town prison or place of confinement in said town, to be called the "town jail," or such other name as said president and trustees may designate; to appoint and pay a keeper thereof, and to make such ordinances, rules and regulations for keeping and maintaining the same, and treatment of persons to be confined therein, as to them may seem proper, and not inconsistent with the constitution of this state, or the general laws thereof in relation to county jails; and the said board of trustees may, from time to time, appropriate the necessary Appropriation of funds. funds aforesaid out of the treasury of said town.

§ 2. It shall be lawful for any person or persons charged, Who may be imprisoned. under oath, with or convicted of a violation of any law or ordinance of said town, upon failure or refusal to pay any fine or fines assessed against him or them, or, before conviction, for safe keeping, when the party fails to enter into recognizance, to be confined in said town jail.

§ 3. The president and trustees of said town may provide, by ordinance, for the arrest, on complaint, under oath, of any and all persons who shall violate any of the ordinances of said town, and, in such case, a warrant shall issue, returnable forthwith, similar in form to that issued by justices of the peace in criminal cases, under the laws of the state; and may, also, by ordinance, fix and regulate the fees of police magistrate and town constables, when acting under the ordinances of such town. Arrests.

§ 4. When any person is arrested and brought for trial, Prison bonds. either for an offense committed on view, or upon warrant, and the cause shall be continued at the instance of either party, the defendant may be discharged from custody, by entering into bond before the court, payable to the president and trustees of the town of Augusta, in a sum not exceeding two hundred dollars, to be fixed by the court, and conditioned for his appearance before the court on the day and hour to which the cause was continued, and not depart such court without leave; and in default of such bail, and in all cases where any person may be under arrest for the Trial violation of any law or ordinance of said town, and a trial can not be immediately had, because of the defendant's intoxication, or from any cause whatever, the constable in whose custody the offender may be may commit any such offender to the town jail for safe keeping until the further written order of the court so committing.

Bonds.

§ 5. All bonds taken under the preceding section shall be good and valid, and the penalty, after condition broken, may be recovered in an action of debt, in the circuit court of Hancock county; and, when the penalty does not exceed one hundred dollars, before any justice of the peace.

Appeals.

§ 6. The police magistrate, or justice of the peace, or circuit court, on the appeal on the trial of any case arising under the ordinances of said town, may, upon finding any defendant guilty, order, as a part of the judgment, that such person or persons stand committed to the town jail of said town, or in case there be none, then to the jail of Hancock county, there to remain until such judgment and costs are paid or he or they be otherwise discharged, according to law; and in such case an execution shall issue to the proper officer, commanding him that if such person shall not forthwith pay such judgment to take his body and commit him to the town jail, and, if there shall be none, then to the county jail of Hancock county; and, shall, also, command the jailor to receive such person and him safely keep until such judgment is paid or such person is otherwise discharged by law; and the cost of the keeping of such person in the county jail shall be paid by Hancock county: *Provided*, that the perfection of an appeal from such judgment shall suspend all proceedings under the judgment and execution: *And provided, further*, that this act shall not prevent the court from rendering the ordinary judgment and awarding the usual execution.

Executions.

Taxation.

§ 7. Whenever the president and trustees of said town shall levy any tax by virtue of or under section twelve of the act to which this is an amendment, for making or repairing side-walks, and the owner or owners of any lot or lots upon which said tax may be levied shall fail or neglect to pay their proportion of such tax, the said town may have and maintain a suit, in its corporate name, against the owner or owners of such premises for the recovery or collection of their proportion of such tax, as for money paid and laid out to their use at his or their request; or the said president and trustees may have the same collected in the same manner that other taxes are now collected by virtue of section nine (9) of an act entitled "An act to incorporate towns and cities," approved February 10, 1849.

Billiards, etc.

§ 8. The president and trustees of said town shall have exclusive power, within the corporation, by ordinance, to license, suppress and restrain all billiard tables and bowling alleys.

Style of ordinances.

§ 9. The style of the ordinances of the town of Augusta shall be, "*Be it ordained by the President and Trustees of the Town of Augusta.*"

Town hall—tax therefor.

§ 10. The president and trustees of said town shall have power to provide or build a town hall, for the use of said town, and all other needful buildings, and to levy and col-

lect a special tax therefor, when authorized to do so by the legal voters of the town, at any election, and to collect the same as other taxes are collected, under the provisions of the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849.

§ 11. All ordinances of the town of Augusta may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof; nor shall it be necessary to the validity of any of the ordinances of said town to have the same written out in full upon the record book or books of said corporation. Proof of ordinances.

§ 12. The president and clerk of the board of trustees, and the police magistrate of said town, shall be, *ex officio*, judges of election; therefore, any thing in the act to which this is an amendment to the contrary notwithstanding, and they shall qualify in the same manner as judges of state and county elections. Judges of election, etc.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage. Evidence of act

APPROVED March 9, 1867.

AN ACT to amend an act entitled "An act to amend the charter of the town of Henry," approved February 24, 1859. In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section five of said act is hereby amended so as to read as follows: "The city council of the city of Henry shall have power, under such restrictions as they may deem proper, to license taverns, groceries and others to sell by the glass, or otherwise, all kinds of spirituous, vinous or malt liquors; but no license shall be granted for less than fifty dollars a year, nor until the applicant shall first give bond to the mayor of said city, for the use of said city, in the sum of five hundred dollars, with good freehold security, that he or she will keep an orderly house, sell no spirituous liquors to minors, and suffer or permit no gambling in his premises. Sec. 5 amended

§ 2. That section eight of said act is hereby repealed. Sec. 8 repealed.

§ 3. The provisions of this act shall not be in force until the same shall be approved by a majority of the legal voters voting at the next election held in said city of Henry. When in force.

for the election of members of the city council, and if a majority of the voters voting at said election shall vote for license, then this act shall be in full force.

APPROVED February 28, 1867.



In force Feb'y 21, 1867. AN ACT to amend an act entitled "An act to incorporate the town of Bath."

Indebtedness. ‡

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers already vested in the trustees of said town of Bath, by virtue of the original charter, the said trustees shall have power, and are hereby authorized, to borrow money, not to exceed six thousand dollars, and issue bonds of said town for the payment thereof—the interest to be paid annually, and not to exceed ten per cent. per annum.

Town hall and prison.

§ 2. The money borrowed, as authorized by section one of this act, shall be expended by the trustees of said town in erecting a building for a city hall, and a prison for the use of said town of Bath.

Punishment of offenders.

§ 3. The town trustees may have power to provide, by ordinance, for the punishment of any offenders by imprisonment in said town prison, or in the county jail, in any case, upon a failure to pay fines, forfeitures and penalties, as provided by ordinances of said town.

Fines, etc.

§ 4. The trustees of said town of Bath shall have power to compel persons, upon a failure to pay fines, forfeitures and penalties, to labor on the streets, avenues or alleys of said town, at the rate of two dollars per day, until such fine, forfeiture or penalty and costs shall be paid.

Prior ordinance's in force. etc.

§ 5. All ordinances heretofore passed by the president and trustees of said town of Bath shall remain and be in full force until repealed by said trustees of the town.

§ 6. This act shall be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to repeal certain portions of a local act, entitled "An act to levy taxes upon the property in certain towns therein named, to liquidate the indebtedness for building a bridge across the Kankakee river at Aroma, in Kankakee county." In force March 7, 1867.

WHEREAS, at the last session of the general assembly of the state of Illinois, an act was passed, entitled "An act to levy taxes upon the property in certain towns therein named, to liquidate the indebtedness for building a bridge across the Kankakee river at Aroma, in Kankakee county;" and whereas, said act required the levying and collecting of taxes for the purpose in said title mentioned, in the town of Popeneau and Beaver, in the county of Iroquois; and whereas, the said towns of Popeneau and Beaver, through and by their supervisors, have procured an injunction against the levying and collection of said taxes, on the ground of unconstitutionality, which injunction suit is still pending and undetermined; and whereas, the said bridge has continued to be a toll bridge, notwithstanding the passage of said act: therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said act, the title of which has been recited in the foregoing preamble, and which was approved February 16, 1865, so far as the same relates to the county of Iroquois, and requires the levying and collection of taxes for the liquidation of indebtedness incurred by the Aroma bridge committee, or for any purpose connected with said bridge, be and the same is hereby repealed. Description of act.
Repealed.

§ 2. This shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to consolidate certain townships in Rock Island county, for school purposes. In force March 30, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That township number sixteen north, range five west of the fourth principal meridian, and fractional township sixteen north, range six west of the said meridian, and fractional township seventeen north, range five west of said meridian, and fractional township seventeen north, range six west of said meridian, all being situate in the county of Rock Island, and state of Illinois, be and the same are hereby consolidated, and hereafter shall constitute one township, for school purposes, which shall be known by the name of Towns consolidated.

Name. "Drury Township." And said township, so constituted, as aforesaid, shall succeed to all the rights, credits and liabilities of property of said several townships; and the school officers now acting for township sixteen north, range five west, above mentioned, are hereby constituted and appointed officers for said consolidated township; and they shall hold their respective offices till their successors are elected and qualified, as provided by law.

school officers.

APPROVED January 30, 1867.

In force Feb'y 25, 1867. AN ACT relating to the war fund in the township of Buena Vista, in Schuyler county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the treasurer of the school fund of the town of Buena Vista, in the county of Schuyler, in the state of Illinois, be and he is hereby authorized and required, on the order of the supervisor of said town, to pay over to said supervisor any excess of money in his hands arising from the tax levied by virtue of an act of the legislature of the state of Illinois, approved February the sixteenth, A. D. 1865, entitled "An act to authorize the several towns of the county of Schuyler to levy a war tax," that may remain in his hands, under the provisions of said act, after the payment of the bounties in said act contemplated.

Duty of school treasurer.

§ 2. Said supervisor is hereby authorized and required to receive said money, and the same is hereby declared to be a part of the town funds of said towns, and is to be received by said supervisor and held and disbursed as the other funds of said towns, for town purposes.

Duty of supervisor.

§ 3. This act to be taken as a public act, and be in force from and after its passage.

APPROVED February 25, 1867.

In force Feb'y 16, 1867. AN ACT to provide for the resurvey of township twenty-five north, in range two east of the third principal meridian.

Preamble. WHEREAS a great number of owners of real estate in the township of Hudson, in the county of McLean, and state of Illinois, which township is known on the plat of the United States surveys as township twenty-five north, range two east of the third principal meridian, have, by petition represented to this general assembly that in said township,

with a few exceptions, the original survey marks have been lost; that said township consists chiefly of prairie, and that no government marks have ever been found in said prairie, where any deposit has been made to establish government corners; that the inhabitants are greatly annoyed, as well as subjected to expense, by the frequent changes made by the successive county surveyors, and that it seriously impedes the progress of permanent improvements; and said petitioners have prayed for an act to authorize a survey of said township and a permanent settlement of the section lines and corners of said township; and that said petitioners make themselves plaintiffs to any suit that may grow out of any such act; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any number of owners of real estate in said township may file their bill in chancery, in the circuit court of McLean county, praying for the appointment of disinterested commissioners to resurvey said township twenty-five north, range two east of the third principal meridian, and to set up and establish permanent corners at each section corner in said township. All persons known to the complainants to be owners of any real estate in said township shall be made parties to said bill, either as complainants or defendants, and all other owners or claimants of real estate in said township may be made defendants thereto, by the names of unknown owners or claimants of real estate in township twenty-five north, range two east of the third principal meridian, in McLean county; and all persons, either made defendants by name or as unknown owners or claimants and showing any right or reasonable claim to any real estate in said township, or any interest therein, may appear and defend said bill, and be heard in any proceedings therein until the same is finally determined.

Petitions for appointment of commissioners

§ 2. A subpoena or subpoenas in chancery shall be issued on said bill, which, before said cause is heard, shall be served at least ten days on each defendant to said bill known to reside in McLean county; and at least sixty days' notice shall be given in a public newspaper published in Bloomington, in McLean county, notifying all defendants not residing in said county, and all unknown owners or claimants of real estate in said township, of the filing and objects of said bill; and, also, that they may appear on the first day of the next term of said court to defend their rights.

Issue subpoenas

§ 3. After service of process and publication, as aforesaid, said court may proceed to hear the allegations of said bill, and of all answers filed thereto; and any evidence which may be submitted by the parties shall, thereupon, unless good cause is shown to the contrary, proceed to appoint three disinterested commissioners, to be selected anywhere within the limits of the state, who shall make or

Appointment of commissioners

cause to be made a full and accurate survey of said township and of all the section and quarter section lines therein, and to establish each section and quarter section corner thereon; and said commissioners shall cause substantial stone corners, at least two feet in length, to be firmly set in the ground at such section corner as so established.

Plat of survey.

§ 4. The complainants in said bill shall file therewith an attested copy of the plat of the public survey of said township made for the United States; and the court, in decreeing and appointing said commissioners and ordering said survey, shall make such order in regard to such survey, and to the division of any surplus or deficiency which may be found to exist over or under the amount as stated on said plat, as may be consistent with the legal rights of the owner or owners of the several sections.

Commissioners' returns.

§ 5. Said commissioners shall make a full and complete return of their acts to the circuit court of McLean county, together with a copy of the survey made by them, showing the length of each section line, as by them established, and the quantity contained in each section; and said court shall make to each commissioner such compensation as to the said court may seem just and reasonable.

Rule and exceptions.

§ 6. After the return of said report, the said court shall enter a rule, fixing a day for all parties who may feel aggrieved by said report to except thereto; and upon the hearing of any exception, or if no exceptions be taken, on examining said report, said court may either set the same aside and order a re-survey, or may approve said report and order the same to be recorded.

Approval of reports.

§ 7. If the said court shall approve said report and order the same to be recorded, said report and the section corners established by said commissioners, shall forever be full and conclusive evidence to establish the corners and boundaries of the several sections and quarter sections in said township, unless the order of approval shall be reversed on appeal, as herein provided for.

Appeals—how taken.

§ 8. Any party to said suit, either by name, or any person sued therein as unknown owner or claimant, and showing that he is owner or has reasonable claim to any real estate in said township may prosecute an appeal from the final order or decree of said court, in like manner and time as other appeals are taken, or may prosecute a writ of error to the supreme court of this state within twelve months after said final order or decree, and not after.

Expenses of prosecution.

§ 9. The said court shall audit all the expenses attending the prosecution of this suit, and also all expenses which have attended the passage of this act, and shall, when they are audited, direct the clerk to tax them among the taxable costs of the suit; and the clerk of the court, after having taxed the costs and expenses, so audited by the court, and also all other expenses which shall have been allowed by

the court, is directed to certify the same to the board of supervisors of said county; and said board shall cause a tax or assessment, for the amount thereof, and all costs of collection, to be levied on all the real estate in said township, which shall be collected as other taxes, and paid over to the persons entitled thereto.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1867.

AN ACT to establish the township of Erienna and the township of Norman, in the county of Grundy, as separate townships, for school purposes. In force March 6, 1867.

SECTION 1. *Be enacted by the People of the State of Illinois, represented in the General Assembly, That the townships of Erienna and Norman, of the county of Grundy, being fractional townships formed out of congressional township thirty-two (32) north, range six (6) east of the third (3rd) principal meridian, in the county of Grundy, and state of Illinois, and separated from each other by the Illinois river, be and the same are hereby erected, each, into a separate township, for school purposes. The school fund and property belonging to said congressional township shall be divided between the townships of Erienna and Norman, in proportion to the value of the real and personal property in said townships, under the assessments of the year 1866.* Separate townships.

§ 2. This act to be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to annex sections four and five, of township seventeen, range six, in the county of Bureau, to township eighteen, of the same range and county, for school purposes.

In force March 7, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections four and five, of township seventeen, in range six, in the county of Bureau, [be] and the same are hereby annexed to township eighteen, range six, in the same county, for school purposes.* Additions defined.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 7, 1867. AN ACT to attach part of township (21) twenty-one to township twenty-two, in McLean county for school purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That that* part of township twenty-one north, in range one west, and that part of township twenty-one north, in range one, two, three, four, five and six east, being twelve sections in each township, and numbered from one to twelve, inclusive, are hereby attached to township twenty-two, in corresponding ranges, which join them on the north, and constitute a part of said township twenty-two, in ranges from one west to six east, inclusive for all school purposes whatever; and in all transactions concerning schools the townships named shall embrace and be composed of forty-eight sections as described above.

§ 2. All township school funds held by the aforesaid township twenty-one shall be divided between the two parts of said township, on the basis of the total valuation of the taxable property of the township; and the part equitably accruing to said town twenty-two shall be paid, on the order of the trustees of the township to which it is attached, to the treasurer of the same, and be added to the township fund; and if any school fund should hereafter accrue to or be distributed to said township twenty-one, as congressional township, it shall be divided, and the part equitably belonging to the twelve sections attached to township twenty-two shall be paid to the same in the manner above provided.

§ 3. This act shall be a public act, and take effect and be in force from and after its passage.

APPROVED March 7, 1867.

In force March 8, 1867. AN ACT to attach all those portions of townships numbered twenty-nine (29) north, of ranges number ten, (10,) eleven, (11,) twelve, (12,) thirteen, (13) and fourteen (14) west of the second P. M., and of range number ten (10,) east of the third P. M., which belong to the county of Iroquois, to Kankakee county, and make it a part of said last mentioned county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all* those parts and positions of township number twenty-nine (29) north, of ranges number ten, (10,) eleven, (11,) twelve, (12,) thirteen (13) and fourteen (14) west of the second P. M., and of range number ten (10) east of the third P. M., belonging to the county of Iroquois, and meted and bounded as follows, viz: Commencing at the south west corner of said

township number ten (10) east of the third P. M., and running thence north to the north-west corner of section number eighteen, (18,) in said last mentioned township and range, and thence east to the north-east corner of section number eighteen, (18,) in township number twenty-nine (29) north of range number ten (10) west of the second P. M., and thence south to the south-east corner of section number thirty-one, (31,) in said last mentioned township and range; and thence west to the place of beginning, be and the same is hereby attached to and made a part of the county of Kankakee: *Provided*, that a majority of the legal voters of each of said counties of Iroquois and Kankakee shall consent thereto, in the manner hereinafter provided.

Proviso.

§ 2. The qualified voters of said counties of Iroquois and Kankakee, may at an election to be held for that purpose, on the second Tuesday in May next, vote, by ballot, for or against said portions of said townships being attached to and becoming a part of said county of Kankakee, upon which ballots shall be written or printed or partly written or printed, "For annexation to Kankakee county of those parts of townships 29 north, of ranges 10, 11, 12, 13 and 14 west, and of 10 east, belonging to Iroquois county," or "Against annexation to Kankakee county of those parts of townships of 29, north of range 10, 11, 12, 13 and 14 west, and of 10 east, belonging to Iroquois county." Said elections shall be held in the several towns of said counties of Kankakee and Iroquois at the place of holding the annual town meetings, by the same officers, and conducted in the same manner in which town meetings are held by law; and the returns thereof shall be made to the county clerks of said counties, respectively, as returns of elections are required by law to be made at general elections for county officers, and within seven days thereafter.

Question of attachment.

Time and place of elections.

§ 3. The said county clerks of said counties shall, respectively, in their counties, open said returns, and make abstracts of the votes for and against the annexation of said portions of said townships to Kankakee county, and transmit the same to the auditor of public accounts of this state, at Springfield, forthwith; and the auditor, on the receipt of said abstracts, shall immediately notify the county clerk of the county of Kankakee of the result of said election, and whether, by such vote, the said portions of said county of Iroquois are attached to the county of Kankakee; and if said territory shall be so annexed to Kankakee county the county clerk thereof shall thereupon publish a notice thereof in the newspapers of said county of Kankakee, for the period of six weeks.

Returns of.

Result of.

§ 4. The secretary of state, immediately upon the passage of this act, shall furnish said county clerks with a copy thereof; and said clerks shall issue to the sheriffs of said

Duties of secretary of state and county clerk therein.

counties, respectively, notices of said elections, in like manner as notices of the elections of circuit judges; and said notices shall be posted by said sheriffs as other notices of elections are, for at least ten days before said election; and said sheriffs shall be entitled to a fee of ten dollars therefor; to be paid out of the county treasury, upon an order of the clerk; but any neglect or omission of any of the duties required of any of the officers in this section mentioned shall not invalidate said election.

Tax liabilities.

Assessments.

Account of fees,
costs, etc.

Transcribing
deeds, etc.

Compensation.

§ 5. The said territory, so annexed to Kankakee county, shall still remain liable for a *pro rata* share of the war taxes, expenditures and bounties of Iroquois county, which have been made by said county during the late southern rebellion, in aiding in the suppression thereof; and the county clerk of Iroquois county shall, annually, until said war taxes, expenditures and bounties shall be paid and discharged, make out and file with the county clerk of Kankakee county a *pro rata* amount thereof, to be assessed, levied and collected upon the taxable property of said portions of said townships; and the county clerk of Kankakee county shall so assess and levy the same; and the town and county collectors of Kankakee county shall settle and pay over such taxes to the collector of Iroquois county, in the same manner as other taxes are paid and accounted for; but said portions of said township shall not be taxed for the war expenditures and bounties that have been made by Kankakee county.

§ 6. In case the said election shall result in the annexation of said territory to Kankakee county, the county clerk of Iroquois county shall make out and transmit to the board of supervisors of Kankakee county an account of the fees, costs and expenses of holding said election in Iroquois county, including printing, which shall be allowed and paid by Kankakee county.

§ 7. The circuit clerk of Kankakee county shall transcribe upon his records of deeds, all deeds conveyances and instruments of record in the recorder's office of Iroquois county, of the real estate in said portions of said townships that shall be annexed, as aforesaid; which transcripts shall have the force and effect of the original record; and the said clerk shall be paid by the county of Kankakee ten cents per hundred words for such transcribing.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED March 8, 1867.

AN ACT providing a change in the townships of Lake county.

In force March
9, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of township forty-four north, of range twelve, in the county of Lake, lying and being north of the south line of sections seven, eight and nine, be and the same is hereby transferred to the township of Waukegan, in said county, and shall henceforth be embraced within said township.

Transfers.

§ 2. That all that part of township forty-three, of the range aforesaid, lying and being north of the south line of sections seven, eight, nine, ten and eleven, be and the same is hereby transferred to the residue of said township forty-four, and, with the same, shall constitute a township, to be known and called the "Township of Lake Forest," and said township, so constituted, shall be and is hereby created the legal successor of the present township of Shields, which shall cease to exist as a township on the ratification of this act by the board of supervisors of Lake county.

Designation.

Legal succe-
sion.

§ 3. All taxes levied in the townships of Deerfield and Shields, respectively, for the year 1866, shall be collected and applied by the proper officers in the same manner as if no change had been made in said townships.

Taxes.

§ 4. The term of office of all officers of the township of Deerfield, living in the territory hereby transferred to the township of Lake Forest, shall expire at the next election in said county for township officers; and, in like manner, the term of office of all officers of the present township of Shields shall cease and expire at the same time; and there shall be held in the said township of Lake Forest, at said time, an election, for all township officers provided for by law; and such officers shall only hold for the unexpired term of the several and respective officers of the township of Shields, which are hereby declared vacated, except as herein otherwise provided.

Office tenure.

§ 5. The commissioner of highways, so to be chosen, who shall reside next to the north line of said township of Lake Forest, shall hold for one year from such election; the one who shall reside next to the center of said township shall hold for two years; and the one residing next to the south line of said township shall hold for three years.

Commissioner
of highways.

§ 6. All general elections in said townships shall be held in the city of Lake Forest.

General elect'ns

§ 7. On request, in writing, of the supervisor of either of said townships, one person shall be named by the supervisor of Deerfield, one by the supervisor of Waukegan and one by the supervisor of Lake Forest, who shall make an equitable and fair division of the school funds and property of said townships 43 and 44 between said several and respective townships, according to the area of territory and

Division of
school fund.

the number of inhabitants so transferred; and the school commissioner or superintendent for said county shall apportion and divide the school fund in like manner.

Duties of secretary of state.

§ 8. This act shall not take effect or be in force until ratified by a majority vote of the board of supervisors of the county of Lake. The secretary of state shall, immediately upon the passage of this act, transmit a certified copy thereof to the county clerk of Lake county; and said county clerk shall present said act to said board of supervisors at a special session of said board, which may be called for the purposes, as now provided by law; and said board shall decide, by vote, *viva voce*, whether or not this act shall take effect and be in force; and if a majority of the whole board shall vote in favor of the ratification of this act, then the same shall take effect and be in force from and after the date of such ratification. And if a majority of the whole board of said board of supervisors do not vote in favor of the ratification of this act, then this act shall be null and void.

Duties of county clerk.

§ 9. In case this act shall be approved and ratified by the board of supervisors of Lake county, as in this act provided, then the county clerk of said county shall transmit a copy of this act, with his certificate of the approval of said board of supervisors attached thereto; and the secretary of state shall thereupon publish this act with the private laws of this 25th general assembly.

APPROVED March 9, 1867.

In force March 7, 1867.

AN ACT to incorporate the Chicago Stage and Baggage Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George M. Pullman, Irving J. Pearce, John G. Osborn, Joseph W. Smith, J. S. Maynard, Jacob Rehm, Charles H. Ham, P. B. Shumway, are hereby made and constituted a body corporate and politic, by the name and style of "The Chicago Stage and Baggage Company;" and, by that name, shall have perpetual succession; may sue and be sued, have a common seal, make by-laws, may make contracts, and hold such real estate as shall be necessary for their business, and have and enjoy all the rights and privileges of a body corporate that may be necessary to carry out the provisions of this act.

Name and style

Powers.

Capital stock.

§ 2. The capital stock shall be one hundred thousand dollars, to be paid in at such times and in such installments as the directors shall require, and shall be divided into shares of one hundred dollars each, to be deemed personal property, and transferable, as such, on the books of the company. The capital stock may be increased to an amount not exceeding, in the aggregate, three hundred thousand

dollars. Each share of stock shall entitle the holder thereof to one vote in the election of directors and to increase the capital stock.

§ 3. The business and affairs of the company shall be managed by a board of five directors, to be elected annually ; and the directors shall choose from their number a president, secretary and treasurer, who shall hold their offices during the term of their directorship. The directors may appoint other officers and agents, and prescribe the powers and duties of the officers and agents of said company or of the board. The directors shall have power to make by-laws, and to do all things necessary to the successful conduct of the affairs of the company.

Directors.

§ 4. Said company are hereby authorized to establish one or more lines of omnibuses, stages or baggage wagons, in the county of Cook, and may operate the same between such points as they shall, from time to time, determine, and employ such drivers as their business may require, and employ, in their business, stages, omnibuses and wagons, and run the same at intervals, or otherwise ; and may establish, change and collect such rates of fare as shall be fixed by the directors, from time to time, for the carrying of passengers or baggage.

Business of the corporation.

§ 5. Said company are authorized to erect, purchase or hire one or more stables or other buildings for their use, and may maintain or operate one or more shops for the manufacture or repair of any of their harnesses, stages or other property, used or to be used by them ; but nothing herein shall exempt said company from paying to the city of Chicago such licenses as shall be required by any general ordinance of said city, so far as the same relates to omnibuses.

Buildings.

§ 6. This act shall be void, unless said company shall organize and proceed to business within two years from the passage of this act.

Limitation of time.

§ 7. This act shall be a public act, and be in force from and after its passage.

APPROVED March 7, 1867.

AN ACT to incorporate the Chicago Truck Company.

In force Feb'y
19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Stockton, George H. Glover and John L. Stockton, and their associates, are hereby constituted a body corporate and politic, by the name and style of "The Chicago Truck Company ;" and, as such corporation, shall have perpetual succession ; may sue and be sued, in all courts and forms of

Corporate name and powers.

actions; may make by-laws for the government of its officers, affairs and property; may make contracts, and have and enjoy all the rights, privileges and immunities and be subject to all the liabilities of a body corporate and politic.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, but the same may be increased by the stockholders to an amount not exceeding one hundred thousand dollars. Said capital stock shall be deemed personal property, to be divided into shares of one hundred dollars each, and transferable, as such, in the manner and subject to the restrictions provided by the by-laws. Each share of stock shall entitle the holder thereof to one vote in the election of directors and to increase the capital stock. The said company, by its by-laws, may impose fines and penalties for a failure to pay the installments upon the shares of stock or may forfeit the shares of delinquents, and may receive such fines and penalties, in an action of debt, in the name of the company, in any court of competent jurisdiction.

Directors.

§ 3. On a day, to be fixed in the by-laws, there shall be an annual meeting of the stockholders, for the election of directors and the transaction of other business, including the increase of the capital stock; and special meetings may be called, from time to time, by the directors. The board of directors shall consist of three stockholders, who shall hold their office for one year and until their successors are chosen and qualified; and they shall elect from their number a president, secretary and treasurer, who shall perform such duties as shall be required of them by the directors or the by-laws; and they may appoint other officers and agents, and require bonds of indemnity from either of their said officers, for the faithful discharge of their duties and faithful accounting for all money that may come into their hands. When ten thousand dollars shall have been subscribed to the capital stock and fifty per cent. thereof shall have been paid in, the said company may proceed to business and exercise all the powers herein granted.

Business.

§ 4. The said company are hereby authorized to do a general trucking business, in the city of Chicago and county of Cook, and may convey freight, parcels and bundles of all kinds from one depot to another and between other points in said county, by wagons, carriages or trucks, drawn by horses or mules, and may charge and collect for the same, and may own and use as many horses, mules, carts, wagons, carriages or trucks as their said business shall require; and may erect, lease, use and occupy as many stables or other buildings as they shall deem necessary, and, to that end, may own, occupy so much real estate as shall be required to carry on successfully the said trucking business; and may sell and dispose of, from time to time, their personal or real property; and may borrow money and pledge their property to secure the same.

§ 5. This act shall be a public act, and be in force from and after its passage.

APPROVED February 19, 1867.

AN ACT to amend an act entitled "An act to incorporate the Mississippi and Illinois Transportation Company." In force Feb'y 28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act to which this is an amendment, approved February 15th, 1865, entitled "An act to incorporate the Mississippi and Illinois Transportation Company," be and is hereby amended, Act amended. so that, in addition to the powers so granted, said company shall have the right to take, condemn and hold not to exceed three acres of land at East St. Louis, in this state, at any point, and in such shape as said company may select, on which to erect a public elevator or elevators or warehouse or warehouses, to accommodate the shippers of Illinois and others; and may erect a public wharf or wharves for said elevator or elevators, as aforesaid; and may run railroad track or tracks from said elevator or elevators to intersect with any railroad terminating at East St. Louis, and shall have the right to take, condemn and use the streets and alleys and right of way over any land or lot or lots that may be necessary to make such connection with said railroad or railroads; and shall have the right to take and hold the land of any such railroad or railroads, for the purpose of connecting the track or tracks by rail, from said elevator or elevators, as aforesaid; and said company shall take and condemn any of the lands, aforesaid, in pursuance of an act to amend the law condemning right of way for purposes of internal improvements, approved June 22, 1852; and, in taking the lands and obtaining the rights hereinbefore set forth, said company shall so lay their track or tracks, as aforesaid, so as not to block up with their cars any street or streets, by leaving cars standing across any such street. Rights of way.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 28, 1867. AN ACT entitled "An act to incorporate the East St. Louis Transfer Company."

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John J. Mitchell, J. Oliver Miltenberger, Robert P. Tansey, and such other persons, as are or may be hereafter associated with them, are constituted a body corporate, by the name
Name and style	of "The East St. Louis Transfer Company;" and, by that name are hereby made capable in law and equity, of suing and being sued; also, of making and using a common seal, and altering the same at pleasure.
Capital stock.	§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each; and the same may be increased, at the option of the stockholders, to an amount not exceeding four hundred thousand dollars.
Officers.	§ 3. Said company shall have power to elect necessary officers, who shall have power to make all needful rules and by-laws for the government of said company.
Business.	§ 4. Said company shall have authority to transport persons and property across the Mississippi river, for hire, at or near the city of East St. Louis in this state; and, for this purpose, may employ omnibuses and wagons, or well appointed steam ferry boats and barges, or a combination of these methods of conveyance, as may be necessary; and, to the end that the public may be benefited by the privileges herein granted, it is hereby provided that the prices charged for transportation of all kinds of property between East St. Louis, or landings contiguous thereto, and the city of St. Louis, in Missouri, shall be at least twenty per centum less than is now established by law, to be charged by any other incorporated company at East St. Louis.
Contracts, etc.	§ 5. It shall be lawful for said company to make contracts with any railroad company or companies for the transportation across the Mississippi river, at or near East St. Louis, of persons and property transported or to be transported over said railroad; and the said company shall have power to lay one or more railroad tracks upon the streets or landings at East St. Louis, to connect with any other railroad track—permission to lay such tracks having been first obtained of the city of East St. Louis, and subject to the ordinances of said city; and may acquire lands over which to build said railroads or establish said wharfs or landings.
Compensation for private property.	§ 6. Said company shall pay to the owner or owners of any private wharfs or landings, used by them for landing boats or barges, the customary rates charged for wharfrage: <i>Provided, however,</i> that the rates so charged shall not exceed the rates charged by the city of St. Louis, Missouri.

§ 7. The said East St. Louis Transfer Company shall have authority to acquire, by lease, purchase or other conveyance, real estate in or near the city of East St. Louis, for the erection thereon of necessary offices, warehouses, stables, stock pens, etc., not exceeding five acres in all: *Provided, however*, that no such buildings shall be erected on any street, alley, landing or wharf in the city of East St. Louis.

Possession of property

Proviso.

§ 8. The certificate of the secretary of said company, under the seal of said company, shall be received in all courts and places as evidence of their rules and by-laws, of the appointment of agents and officers, of any order of said company or their directors, and, also, of the due organization of said company.

Evidence of rules, etc.

§ 9. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to incorporate the City Baggage and Transfer Company.

In force Feb'y 25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Lyman A. White, Francis G. White, H. K. Cole, John L. Thompson and Charles H. Hapgood, and their associates, successors and assigns, be and they hereby are made a body corporate, by the name and style of "The City Baggage and Transfer Company," with perpetual succession; and by that name, may sue and be sued; have a common seal, and the same alter at pleasure; and may have and exercise all the rights and privileges which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

Corporators.

Name and style

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the capital stock of said company, and shall, at the same time or thereafter, designate a time and place for the first election of directors of said company, by parties subscribing to the stock thereof; and each share of stock, subscribed for, shall be entitled to one vote.

Stock subscription.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to three hundred thousand dollars (\$300,000), to be subscribed and paid for in the manner which may be prescribed by the by-laws to be adopted by said company, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of the said company in such manner as its

Capital stock.

by-laws may prescribe. When ten per cent. of the capital stock shall have been paid, the said company shall be deemed fully organized, and may proceed to business; and the balance of the capital stock shall be paid in at such times and in such installments as the directors shall require. The said company, by its by-laws, may impose fines and penalties upon the stockholders, or declare forfeited the shares of stock for a failure to pay the installments of stock as they become due.

Business.

§ 4. The object and business of such corporation shall be the carrying of baggage, packages, parcels and passengers to and from such points within the city of Chicago as shall be designated by the board of directors; and said corporation may employ, in their said business, such agents and employees, and may own such horses, wagons, carriages and omnibuses as may be deemed necessary to conduct said business; and may collect such rates and charges for the transportation of baggage, packages, parcels and passengers, as shall be fixed by the board of directors.

Indebtedness.

§ 5. The said corporation shall have power to borrow money, and may secure the payment of the same by deed of trust, mortgage or other security; and it may be lawful for the said company to purchase and hold such real estate as may be deemed necessary by them for the successful prosecution of their business, and may have power to convey the same.

Officers.

§ 6. The affairs of the company shall be managed by a board of directors, at least three in number. After the first election, as herein provided, the directors shall be elected by the stockholders, at such time and place, and in such manner as shall be established by the by-laws of said company. The directors of said company shall be elected annually, but any failure or omission to elect directors shall in nowise impair or affect the rights and powers of directors holding over, or the rights or interests of the stockholders or others interested.

By-laws, etc.

§ 7. The directors shall have power to frame a body of by-laws for the election or appointment of all the officers and agents of said company, and to alter the same in the manner to be provided in said by-laws: *Provided*, that the same shall contain nothing inconsistent with the laws or constitution of this state or of the United States.

§ 8. This act shall be deemed a public act, and take effect from its passage.

APPROVED February 25, 1867.

AN ACT to incorporate the Grafton Stone and Transportation Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William H. Allen, Jno. Loler, Silas Farrington and Giles F. Filley, and such others as may associate with them, and their successors, be and are hereby created a body corporate and politic, by the name and style of "The Grafton Stone and Transportation Company," and by that name, they and their successors shall have succession, and be capable in law of contracting and being contracted with, of suing and being sued, defending and being defended, in all courts and places, in all matters whatsoever; of having and using a common seal, and of altering or renewing the same at pleasure; and shall have full power to acquire and enjoy, in fee simple, or otherwise, real estate and personal property, and to sell and convey the same, as may be needful and proper, in the opinion of the said company, for the purposes hereinafter mentioned.

Corporators.

Name and style

Powers.

§ 2. The corporation hereby created, when organized, shall be under the direction of any number of directors, being stockholders, which the stockholders may determine and fix upon: *Provided*, that the number of the said directors may be changed, from time to time, as the stockholders may order and direct. The said directors shall be elected by the stockholders at stated periods, and shall hold their offices for the term for which they were elected, and until their successors shall have been elected. A president for said company shall be chosen by the board of directors from their number. The board of directors shall have power to regulate the manner of their own and all other elections of the officers and agents of the company, and shall have power to elect a secretary, treasurer and other officers; to make by-laws for conducting the operations and affairs of the company, and for the government of the officers, agents and employees of the company; but said by-laws shall not be inconsistent with the constitution or laws of this state.

Directors.

§ 3. The capital stock of said company shall be three hundred thousand dollars, divided into shares of one hundred dollars each; which amount of capital stock may be increased, at any time, to five hundred thousand dollars, at the pleasure of said company. As soon as one-half of the capital stock is subscribed the stockholders may choose directors and transact and conduct the business for which this act of incorporation is granted.

Capital stock.

§ 4. The corporation hereby created shall have power to carry on the business of quarrying, cutting, sawing and planing stone, of making and burning lime. And in order the better to enable the said company to carry on the said

Business.

business, they are hereby empowered to erect and operate machinery, to build railroads and other roads on their own lands, and to do whatever else may be needful on the lands of the said company; and the said company shall have power to erect all necessary buildings, maintain stores, to build, purchase or charter vessels, propelled by steam or otherwise, and to navigate the same in conveying the products of the labor and operations of the company to markets, to carry freight and passengers, and in facilitating and carrying on the business of the said company.

§ 5. This act shall be construed favorable in all courts of this state, and shall take effect and be in force from and after its passage.

APPROVED February 6, 1867.

In force Feb'y
21, 1867.

AN ACT to incorporate the Chicago Tug Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Taylor, Edward W. Russel, and Norman O. Perkins, and their associates and successors and assigns, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Chicago Tug Company;" and shall have, exercise and enjoy all the powers usually appertaining to corporations and necessary to carry out and execute the business of towing vessels and craft upon the Chicago river and Lake Michigan.

§ 2. A majority of the corporators herein named may proceed to open books for subscription to the capital stock of said company, and shall, at the same time, or thereafter, designate a time and place for the first election of directors of said company; and such directors shall have power to frame a body of by-laws for the government and direction of said company.

§ 3. The capital stock of said company shall be thirty thousand dollars, with power to increase the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and be paid for in the manner which may be prescribed by the by-laws to be adopted by said company.

§ 4. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 21, 1867.

AN ACT to incorporate the Pontiac Turnverein.

In force Feb'y
28, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Greenebaum, John Geiger, Martin Dolde, Charles Rees, Frederick Scherar, Sidney Herzberg, Charles Premensderfer, John George, Henry Heirth, and their associates and successors, be and they are hereby created a body corporate and politic, to be styled "The Pontiac Turnverein;" and by that name, to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire, by purchase, donation, devise or otherwise, and the same to dispose of and convey at pleasure; to borrow money necessary to accomplish the objects and purposes of the association, and to execute and deliver securities for the repayment of the same; to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws, rules and regulations, for the government of the incorporation, its officers and agents, not inconsistent with the constitution and laws of this state; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do for the purposes mentioned in this act.

Corporators.

Style.

Powers of corporation.

§ 2. The objects contemplated by this act are to build up, in the town of Pontiac, county of Livingston, and state of Illinois, an institution for the purpose of strengthening and developing, by means of gymnastic and literary exercises, the powers and capacities of body and mind, and for the purpose of relieving and assisting the members of said incorporation, when in need and distress.

Objects.

§ 3. The constitution, by-laws and proceedings of said incorporation shall be entered by the proper secretary of it in a book provided for that purpose; and said book shall at all proper occasions be open to the inspection of any member of said association.

By-laws.

§ 4. This incorporation shall not be dissolved and put in liquidation so long as three members thereof dissent and wish the continuation of the same.

Dissolution.

§ 5. This act shall be a public act, and be in force from and after its passage.

APPROVED February 28, 1867.

In force Feb'y 9, 1867. AN ACT to incorporate the German Turner Association, of the city of Pekin, Illinois.

Corporators.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Henry Lantz, John Wildhack, Jacob Lucas, Frederick Herring, Ignatz Lederer, and their associates and successors, and all other persons who may hereafter associate with them, be declared and constituted a body corporate and politic, by the name and style of "The German Turner Association of the City of Pekin;" and, by that name, they and their successors shall and may have succession; shall be capable of suing and being sued, contract and be contracted with; may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real and personal estate; may sell and convey the same; to make by-laws for the management of its officers, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association for the management of its business.</p>
Name and style	
Powers.	
By-laws, etc.	<p>§ 2. The constitution and by-laws now adopted by said association shall continue in force until changed by said association; and all personal property and effects, of whatever kind, now held by said association, or any person in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created.</p>
Election of officers.	<p>§ 3. The association so incorporated may, annually, or oftener, elect from its own members such officers and managers as the association may deem proper, at such times and places, and in such manner and with such powers expressed and duties imposed, on said officers and managers, as said association, by its by-laws may direct; and in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and shall be lawful, on any other day, to hold an election of such officers and managers.</p>
Holding property.	<p>§ 4. The association incorporated by this act shall be capable of taking, holding and receiving any property, real or personal, by virtue of any gifts, purchase, devise or bequest, contained in any last will and testament of any person whatsoever, or in any other manner.</p>
Bonds.	<p>§ 5. <i>Be it further enacted,</i> That said association shall also have power to issue bonds and negotiate the same, and to borrow money and mortgage their property, both personal and real, or mixed, for the payment of said bonds so negotiated or money so borrowed: <i>Provided,</i> that nothing in this act contained shall be held or construed to confer banking privileges upon the association hereby created.</p>

§ 6. The constitution, by-laws and resolutions of said association shall be in full force, when recorded in the records of said association, and on the production and proof of such record shall be received as evidence of the facts therein stated in all courts of justice and upon all lawful occasions. Records.

§ 7. Said corporation may require bond and satisfactory security of its treasurer or other officers entrusted with moneys or other property, for the faithful performance of his or their duties as such officers. Officers' security.

§ 8. The object of this association is hereby declared to be to unite the Germans in the enhancement of intellectual, physical and social purposes. Objects.

§ 9. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 9, 1867.

AN ACT to incorporate the Mascoutah Turnverein, of the town of Mascoutah, St. Clair county, Illinois. In force Feb'y 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Louis Dressler, Fr. Detz, T. Benz, Fr. Scheebkezel, John Wolz, present members of Mascoutah Turnverein, of the town of Mascoutah, and others, present members of that society, and such other persons as may hereafter be admitted members of said society, according to the constitution, rules and regulations thereof, and their successors, be and they are hereby created a body politic and corporate, in the town of Mascoutah, and county of St. Clair, under the name and style of "Mascontah Turnverein;" and, by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend, in all actions of law and in equity, in all courts whatsoever; and be capable, in law, of taking and holding, by purchase, grant, gift, devise and otherwise, real and personal property, for the use of said society, to any amount, not exceeding the sum of ten thousand dollars. And said society, in their said name and style, and for the use thereof, shall have the power to sell and convey the real and personal estate of said society, and to loan the money thereof and take promissory notes, bonds, mortgages and other evidences of indebtedness, to secure the same; to have and use a common seal, and to alter the same at pleasure; to make and from time to time, to alter, as they may think proper and expedient, a constitution and by-laws for said society and the manner thereof, the number and duties of such officers; Corporators.
Name and style
Powers, etc.

and, generally, to make such other provisions for the good government and existence of said society as to them may seem proper, not inconsistent with the constitution and laws of this state and of the United States.

Record of proceedings, etc.

§ 2. The constitution, by-laws and proceedings of said society shall be entered by the proper secretary of the society in a book kept for that purpose; and such book shall, on all proper occasions, be open to the inspection and examination of any member of the society.

Meetings.

§ 3. The office and meetings of said society shall be kept and held in the town of Mascoutah, county of St. Clair; and at all elections each member, who is not in arrears with his dues to the society, shall be entitled to vote; and a majority of all the votes cast shall make an election.

Object.

§ 4. The object of this corporation is hereby declared to be the mutual, moral, intellectual and physical improvement of its members, by the use of such mental, athletic and gymnastic exercises as shall best conduce to that end.

Dissolution.

§ 5. The society shall not be dissolved and put in liquidation as long as five members thereof dissent and wish the continuance of the same.

§ 6. This act shall be a public act, and be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb'y
22, 1867.

AN ACT to incorporate the Rock Island Turn Gemeinde.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert Koehler, Henry Feehlendorf, Ernst Krell, Thomas Schindler, Charles Ritter, Louis Schmidt, Louis Reitt, and their associates and successors, be and are hereby created a body corporate and politic, under the name and style of "Rock Island Turn Gemeinde;" and, by that name, shall have perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire, by purchase, donation, devise or otherwise, necessary to accomplish the objects of incorporation, and the same to dispose of and convey at pleasure; to borrow money necessary to accomplish the object and purpose of the association, and to execute and deliver securities for the repayment of the same; to have and to use a common seal, and alter the same at pleasure; to make and alter such by-laws, rules and regulations for the government and management of the incorporation, its officers and agents, not inconsistent with

Name and style.

Powers.

the constitution and laws of this state; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

§ 2. The objects contemplated by this act of incorporation are to build up in the city of Rock Island, and county of Rock Island, state of Illinois, an institution for the purpose of strengthening and developing by means of gymnastical and literary exercise, the powers and capacities of body and mind, and for the further purpose of assisting and relieving the members of the said incorporation, when in need and distress. Objects, etc.

§ 3. The acts of the persons herein before named as corporators, and of their associates, which have been done in the corporate name, and which were necessary to be done, to carry into effect the objects of said corporation, as herein set forth, are hereby legalized; and all conveyances of property, real and personal, which have heretofore been made to said corporation, by its corporate name, or to any person or persons for its use, and all leases of real property which have heretofore been made to said corporation, by its corporate name, or to any person or persons for its use are hereby declared as valid and effectual to convey or lease the property named in such conveyance as though the same had been made after the passage of this act. This act to take effect and be in force from and after its passage. Acts legalized.

APPROVED February 22, 1867.

AN ACT to incorporate the Peoria Turnverein, of the city of Peoria, county of Peoria, state of Illinois. In force Feb'y 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Wieting, Julius Wetzhall, Fritz Kliesgel, Edward Rummel, Jacob Muller, Rudolph Muller, and their associates and successors, be [and] are hereby created a body corporate and politic, to be styled "The Peoria Turnverein;" and, by that name, to have perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire by purchase, donation, devise or otherwise, necessary to accomplish the objects of the corporation, and the same to dispose of and convey, at pleasure; to borrow money, necessary to accomplish the objects of the association, and execute securities and evidences for the repayment of the same; to have and to use a common seal, and alter the same; to make and alter by-laws, rules and regulations, Corporators.

for the government and management of the corporation; to elect officers; to have, enjoy and exercise all the powers, rights and privileges which corporations may do for the purposes mentioned in this act.

Objects.

§ 2. The objects of this association are, to build up, in the city of Peoria, an institution for the purpose of strengthening and developing, by means of gymnastical and literary exercises, the powers and capacities of body and mind, and for the purpose of assisting and relieving the members, when in need and distress.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1867.

in force April 23, 1867. AN ACT to incorporate the Springfield Turnverein Gymnastical Association, at Springfield, Sangamon county, state of Illinois.

Corporators.

Name and style

Corporate powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Casper Koch, Cornelius Ivers, August Nolte, and such other person or persons as shall, from time to time, become members of said association, are hereby incorporated and shall be a body corporate and politic, by the name and style of "Springfield Turnverein," located at Springfield, Sangamon county, state of Illinois; and, under that name, shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, in all courts, both of law and equity, in this state; and may have and use a common seal, and the same to alter and amend at pleasure; and, by their corporate name and style, shall be capable, in law, of contracting and being contracted with, and of acquiring, by purchase or otherwise, and of holding and conveying, real and personal estate, either in fee or for a term of years: *Provided*, that they shall not at any one time have or hold property exceeding in value twenty thousand dollars.

§ 2. Said corporation shall at all times have full power and authority to make, ordain and establish such by-laws, rules and regulations as they judge proper for the better government and regulation of the officers and members of said association, and for ascertaining an equal annual rate of contribution, to be paid by the members thereof, in aid of the funds of said association, and for prescribing the time and place for the meetings of said association, and the manner by which the objects of the same—to-wit: the promotion of education, gymnastics, literary, science, music, and aid in case of sickness or distress—may best be effected;

such laws not to be inconsistent with the laws of this state and of the United States.

§ 3. Said association may select one of its members to act as a steward or landlord, furnishing victuals and refreshments, on the premises and in the buildings of the association only, on the days and hours appointed by the executive committee thereof. Steward.

§ 4. That, for the better carrying on the business and affairs of said corporation, there shall be semi-annually elected, on the first Monday after the first day of January and July of each year, an executive committee, consisting of one president, one vice-president, one foreman of gymnastics, one secretary, one treasurer of general accounts, one treasurer of the relief fund, and one steward, who shall hold their offices for six months, and until their successors are elected and qualified. Election of officers.

§ 5. That, in all suits of law or equity brought against this association, or in any suit brought by this association against any of its members, or against any other person or persons, any member of this association shall be admitted as a competent witness. Suits at law.

APPROVED February 25, 1867.

AN ACT to incorporate the Freeport Turnverein.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. Enfert, A. Boger, O. Zeigler, Th. Knecht, J. Malter, J. M. Waly, E. A. Von Lotzen, with their associates and successors, are hereby incorporated into a body politic, under the name of "The Freeport Turnverein," for the purpose of promoting the mental and bodily development of its members, and in procuring them, in cases of sickness and misfortune, all reasonable aid and assistance. Corporators.

§ 2. Said Turnverein to have perpetual succession, and full power to sue and be sued, to make contracts of all kinds, possessing therein the same powers that private individuals may enjoy; to buy, sell and hold real estate and personal property; to establish by-laws and make all needful rules and regulations for the government of the society and the management of its affairs, not inconsistent with the laws of the state and common good faith; and to exempt the private property of its members from liability for corporate debts; to adopt a common seal, and alter the same at pleasure; and to enjoy all powers, rights and privileges which other corporations may lawfully enjoy, to accomplish the purposes set forth in section one of this act. Name.
Powers.
By-laws, etc.

Transactions
and contracts
binding.

§ 3. The transactions of the persons mentioned in section one, and of their associates and successors, if executed in the name of this corporation, and necessary to the promotion of its purposes, are herewith declared binding upon the corporation.

§ 4. All real or personal property heretofore assigned, deeded or leased to said corporation, or to any person or persons for the use of said corporation, and all contracts heretofore made by the corporation, or by any person or persons in behalf of said corporation, are hereby declared binding and in full effect, the same as if such assignments, deeds, leases or contracts had been made after the passage of this act.

§ 5. This act shall be deemed a public act from and after its passage.

APPROVED February 25, 1867.

In force Feb'y
28, 1867.

AN ACT to incorporate the East St. Louis Turnverein.

Corporators.

Name.

Powers.

Capital stock.

Additional
powers and pri-
vileges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Steiners, Charles Rothe, Charles Sheutz, Louis Steul, Nic. Spannagel, C. E. Merkel, Ig. Feigurbutz, Charles Mehring, Henry Schall, and their associates, who now are or may become members of the East St. Louis Turnverein, be and are hereby incorporated as a body politic, with perpetual succession, by the name of "The East St. Louis Turnverein," for the promotion of health, mental and moral improvement, and mutual assistance in distress or disease, with power, by their corporate name, to sue and be sued, plead and be impleaded, contract and be contracted with; to acquire, hold and convey property, real and personal, and to have, use and alter at pleasure a common seal.

§ 2. The said corporation shall have power to make, establish and amend a constitution, and such by-laws, not inconsistent with the constitution of the United States and of this state, as they may deem necessary for the government of said society, its officers and agents.

§ 3. The capital stock of said society shall not exceed twenty-five thousand dollars, divided into shares of five dollars each, to be subscribed for and paid in such proportions as shall be prescribed by the by-laws and rules for regulating said Turnverein.

§ 4. In addition to the power to create capital stock, as aforesaid, the corporation shall have power to fix and levy upon their members, in the manner provided for in their constitution and by-laws, such contributions, from time to

time, as may be necessary to carry out the purposes of said society, and to collect the same by process of law; and to impose and legally to collect fines for any violation of duty of any of the officers and members of said society, which they have to perform under the constitution and by-laws of said society.

§ 5. The present management of the said East St. Louis Turnverein shall continue until the first general meeting of the members thereof, next after the passage of this act, at which meeting a constitution and by-laws shall be adopted, and officers elected, under this act, and the rules and regulations made in pursuance thereof. Management.

§ 6. All acts of the persons hereinbefore named as corporators, and the acts of any number of them, done as by the trustees of the East St. Louis Turnverein, and which were necessary to be done to carry into effect the objects of said corporation, as herein set forth, are hereby legalized; and all conveyances of property, real and personal, which have heretofore been made to and by any number of said persons, as trustees of the East St. Louis Turnverein, for the same purpose, are hereby declared as valid and effectual as if made by the corporation hereby created, after the passage of this act. The title to all property now held by the trustees of the East St. Louis Turnverein, or any other persons for the East St. Louis Turnverein, shall be vested in the corporation created by this act. Acts legalized.
Vested property

§ 7. This act shall be a public act, be construed liberally for all purposes therein expressed, and shall be in force from and after its passage.

APPROVED February 28, 1867.

AN ACT to amend an act entitled "An act to incorporate the Waterloo and Carondelet Turnpike Road and Ferry Company," approved February 14, 1855, as amended. In force March 3, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That,* so much of said act, as amended, as may require the expenditure of equal sums of money at different ends or parts of said roads is hereby repealed. Section repealed.

§ 2. Any county, city or town shall have power to take and subscribe for, and to purchase and hold stock of said turnpike road and ferry company, and may make such contracts and execute such securities or other instruments, as said counties, cities and towns may, respectively, deem expedient relative to such subscription or purchase, or to the Power of corporations to subscribe.

construction or uses of said turnpike road and ferry company.

§ 3. This act to be a public act, and to be in force from and after its passage.

APPROVED March 5, 1867.

In force Feb'y
23, 1867.

AN ACT to incorporate the Peoria and Kickapoo Turnpike Company.

Corporators.

Name and style

Powers, etc.

Government.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Asbury F. Johnson, B. L. Bourland, Wellington Loucks, H. M. Wead and Jacob Darst, and such other persons as may be associated with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Peoria and Kickapoo Turnpike Company," with perpetual succession; and, by that name and style, shall be capable in law of taking, purchasing, leasing, holding and possessing property, and selling and conveying the same, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and, in their corporate capacity, may sue and be sued, plead and be impleaded, in all courts and places; that they may have a corporate seal, which they may make and alter at pleasure, and have and exercise all the privileges which are or may be necessary to carry into effect the objects and purposes of this act.

§ 2. The said turnpike company shall have full power and authority to locate, construct, maintain and operate a turnpike road, from such point, in the city of Peoria, in the county of Peoria, as shall be selected by said company, to the town of Kickapoo, in said county, or over so much of the distance between those points as said corporation shall determine upon, and over, along and upon any lands, roads, highways or streets, as may be necessary for the purpose of laying out, locating, establishing and maintaining the said road, between the points aforesaid; and may grade, macadamize and pave, with wood, iron or stone, or otherwise improve the same, for a good and substantial carriage, buggy or wagon track; that they may take and appropriate to their use all such lands as may be necessary for the construction of said road, under the provisions of "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, A. D. 1852, or under the provisions of any other law on that subject, in force at the time of condemning said lands.

§ 3. That all the corporate powers of said company shall be vested in a board of directors, to consist of not less than five nor more than nine persons, in number, and such

other officers as said board shall appoint. The first board of directors shall consist of Asbury F. Johnson, B. L. T. Bourland, H. M. Wead, Wellington Loucks and Jacob Darst, who shall hold their offices until their successors are elected and qualified. Annual elections for directors shall be held on the first Tuesday of May, in each year; but a failure to hold such annual elections at the time aforesaid shall not work a forfeiture of any of the rights and privileges herein granted; and, in all cases, the existing board and officers shall hold their offices until their successors are chosen and qualified. The board of directors shall fix the place of holding elections, and shall give two weeks' notice of the time and place of holding the same, in a newspaper published in the city of Peoria. Vacancies in the said board may be filled by a vote of two-thirds of the remaining members of the board, and the person so elected shall hold his office until the next annual election or until his successor shall have been chosen and qualified.

§ 4. At all elections held for directors, each share of capital stock shall entitle the holder thereof to one vote, which may be given either in person or by proxy; and the persons receiving the highest number of votes shall be declared duly elected. All elections for directors shall be conducted by three judges, who shall be chosen by the stockholders present. Elections.

§ 5. Said company shall have power to make, ordain, establish and execute all such by-laws and regulations, not inconsistent with the laws and constitutions of the United States and of the state of Illinois, as they may deem expedient, to fulfill the purposes and to carry into effect the provisions of this act, and for the well-ordering and securing the affairs, business and interests of said company. By-laws, etc.

§ 6. The capital stock of said company shall be twenty thousand dollars, which may be increased, from time to time, by a vote of a majority in interest of the stockholders, at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum required for the purpose of operating, extending or maintaining said road; which shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and in such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscriptions or assessments which they may make upon the same, and shall have power to sue for and recover, in any court having jurisdiction of the same, such stock or assessments, whenever default shall be made by the person or persons so subscribing in the payment of such stock subscription or assessments. Capital stock.

Subscription
books, etc.

§ 7. The board of directors of said company herein named, shall cause books to be opened for subscription to the capital stock of said company at such times and places and in such manner as they shall direct; and as soon as subscriptions to the amount of ten thousand dollars shall have been subscribed, and ten per cent. thereof been paid in, said company shall be deemed fully organized, and may commence operations under this act.

Tolls and toll
gates.

§ 8. That said corporation may charge, demand, collect and receive tolls of any and all persons passing or driving over and upon said road, or any part thereof, and, for that purpose, as soon as any one continuous mile of said road shall have been completed, said company may erect and maintain toll gates and appoint toll gate keepers, and may establish such rates of toll as may be determined upon by the board of directors. And if any person shall pass or drive through a toll gate, so established, forcibly and without having first paid his proper toll, for every such offense he shall forfeit and pay the said corporation the sum of five dollars; and if any person, to avoid payment of such toll, shall turn off and pass by said toll gate, and again enter upon said road, he shall forfeit and pay to said corporation the sum of five dollars; and if any person shall tear up, injure or damage said road or anything belonging to said corporation, such person shall forfeit to said corporation twice the amount of the damage or injury so done. All penalties or forfeitures incurred under or by this act may be recovered in any court having jurisdiction thereof within the state of Illinois.

Railroad privi-
leges.

§ 9. Said company shall have power to lay down upon the line of said turnpike road an iron rail, and may construct, maintain and operate, with horse or steam power, from the city of Peoria to any point on the line of said turnpike road, a railroad, with single or double track, turn-outs, switches, sidings, and all other necessary appliances; and they shall have power to charge, demand and collect such fare for passage upon the cars running upon or over said track as to the said board of directors shall seem expedient.

Duties of town
supervisor.

§ 10. Any town through or in which the road of said company, or any part thereof, may pass or be located, is hereby authorized, at any annual or special meeting of such town, to direct their supervisor to subscribe for so much of the capital stock of said company as shall be determined upon by vote at such meeting; and, for the purpose of paying the subscription for said stock, said town is authorized, by vote, at such meeting, to appropriate any and all road or other town moneys, belonging to said town, or, by vote, to provide for the levy and collection of a tax sufficient for the payment of such subscription, or any part of the same, to be levied and collected in like manner as money for town

purposes is now levied and collected by law. The city of Peoria may likewise, by a vote of a majority of the members of its common council, direct the mayor to subscribe for so much capital stock in said company as shall be determined upon by vote of said council; and they may appropriate any funds belonging to said city as a payment of said appropriation, or any part thereof. The supervisor of said town and the mayor of said city of Peoria are hereby authorized, at any and all elections of said company, for directors, to cast, for and on behalf of said town or city, as many votes as such stock by said town or city subscribed, shall represent or be entitled to. Such stock shall be the property of the said town or city, and shall be subject to its disposal, by vote, at any town meeting or meeting of the common council of said city.

§ 11. *It is further provided in this act*, that, at the next town meeting in the several towns through which said turnpike is proposed to be made, the legal voters of said town shall vote for or against the said corporation using and occupying any state or county road in said township; and, in case a majority of said ballots cast are against the use of said road, said corporation shall not have the power to use the same; *and, it is further provided*, that in case all or any of said townships neglect or refuse to hold said election, the said corporation shall have all the power conferred on them by this act to use any state or county road in such townships so refusing or neglecting.

Corporation to
be determined
by vote.

§ 12. This act shall be a public act, and take effect from and after its passage.

APPROVED February 23, 1867.

—

AN ACT to incorporate a turnpike or macdamized road from Barry, in In force April
Pike county, to the Mississippi river, via New Canton. 23, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Perry H. Davis, James Wallace, Charles I. Brewster, Amos Morey, John W. Evans, Samuel Davis, Calvin Davis, Lewis Angle, John Spencer, William F. White, M. D. Massie, James Blain, and such persons as may become associated with them and become stockholders, agreeably to the provisions of this act in the corporation hereby created, shall be for the term of fifty years from the passage of this act, and shall continue to be a body corporate and politic, by the name and style of "The Barry, New Canton and Mississippi River McAdamized Road Company;" and by that name may sue and be sued, plead and be impleaded, answer

Corporators.

Name and style

Vested rights. and be answered unto in all courts of law and equity; may have and use a common seal and alter the same at pleasure; may make rules, regulations and by-laws for the management of their property, regulation of their business and transfer of their stock, not inconsistent with the laws and constitution of the United States and the laws and constitution of this state.

Powers. § 2. Said corporation shall have power to construct, maintain and continue a turnpike or macadamized road of such width as may be deemed advisable by the directors of said company, from the town of Barry in said county, via New Canton, to the most eligible place on the Mississippi river for a landing place at or within three miles above the Cincinnati landing on said river, with power of branching said road if found necessary or deemed advisable by the directors of said company, to the most convenient place for a landing.

Capital stock. § 3. The capital stock of said company shall be twenty thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each. However, said capital stock may be increased to any amount sufficient to complete said road and branches; and said company is hereby authorized and empowered to borrow any sum of money not exceeding twenty thousand dollars, at any rate of interest not exceeding ten per centum per annum, and to execute bonds or other writings evidencing said indebtedness, and binding upon said company. Said company shall, also, have the power to execute a mortgage upon said road and its branches, and its profits, tolls and property, real and personal, for the further securing the payment of any sum or sums of money which may be thus borrowed, which bonds, writings and mortgages shall be properly executed by the president of said company, under the authority of the board of directors.

Commissioners' duties. § 4. That P. H. Davis, Charles S. Brewster, Calvin Davis, Lewis Angle and John Spencer, or a majority of them, shall be commissioners for receiving subscriptions to the capital stock of said company, and shall require at least five per cent. upon the amount of subscriptions to be paid down at the time of subscribing.

Management. § 5. The affairs and business of said company shall be managed by five directors, three of whom shall form a quorum for the transaction of business, and as soon as the sum of ten thousand dollars shall be subscribed to the capital stock of said company, the commissioners named in this act shall call a meeting of the stockholders at some convenient place in the town of Barry, for the purpose of electing directors. Notice of said meeting shall be given at least three weeks previous to the time of holding the same by posting up three written or printed notices thereof in Barry and two in New Canton, and by causing a similar notice thereof to be published in some newspaper printed

and published in said county. The said directors shall hold their office for the term of one year and until their successors are elected and qualified. The stockholders may vote personally or by proxy, in writing, and shall be entitled to one vote for each share of stock held by them. All subsequent elections after the first shall be held at such time and place as may be fixed by the by-laws of said corporation.

§ 6. It shall be the duty of said commissioners or a majority of them, named in this act, within one year after the same takes effect, to open books at Barry and New Canton, aforesaid, for the purpose of receiving subscriptions to the capital stock of said company, and notices of the time and places when and where said books will be opened shall be given by said commissioners, by publication in a newspaper published in Pike county at least two weeks previous thereto.

Open books for subscription.

§ 7. Upon the election of directors and the organization of the board of directors, said commissioners shall deliver over to said board all moneys received by them on subscription to said capital stock, together with all subscription books and all other property pertaining to the business of said company which may be in their hands.

Moneys, etc.

§ 8. Said company shall commence the construction of said turnpike or macadamized road within two years from the time this act takes effect, and shall complete the same within five years thereafter; and as soon as any one mile of said road shall be completed may erect toll gates thereon and collect the tolls allowed by this act; and said directors are hereby authorized to locate and construct said road on any lands owned by this state or by individuals on the route of said turnpike or macadamized road, by paying to the owner or owners thereof all damages which shall arise or accrue to them for taking the same, and in cases where said damages can not be agreed upon between the parties, the same shall be estimated, settled and obtained by proceedings under the provisions of an act entitled "An act to amend the laws condemning the right of way for purposes of internal improvement," approved June 22, 1852. The board of supervisors of Pike county and commissioners of highways of any towns along the route of said road may, by an order entered on the record of said board of supervisors or on the records of the town clerks of said towns, authorize said corporation to use in the construction of said turnpike or macadamized road any of the public roads in said county.

Time of completion.

Toll-gates.

Damages.

Commissioners of highways.

§ 9. The said corporation shall have power to fix and regulate the toll to be charged and paid for passengers on said road: *Provided*, said toll shall not exceed the following rates: For every vehicle drawn by two animals, three cents per mile, and one cent additional for each mile for every animal more than two; for every vehicle drawn by one

Rates of toll.

animal, two cents per mile; for every horse and rider, or led horse one cent per mile; for every five of neat cattle, one cent per mile; for every five of sheep or swine, one cent per mile; for every five of other animals not herein mentioned, one cent a mile, and for every footman one-half cent a mile; and it shall be lawful for every toll gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and if any person shall pass a toll gate forcibly and without first having paid the legal toll, he shall for every such offense forfeit and pay to the corporation the sum of five dollars; and if any person shall, to avoid the payment of the legal toll turn off and pass any toll-gate on said road and again enter upon said road, such person or persons shall forfeit and pay to such company the sum of five dollars; and if any person shall tear up, injure or damage any part of said road or anything belonging to such corporation, such person shall forfeit and pay three times the amount to the said corporation of damage actually done, and no forfeitures shall be a less sum than five dollars. All forfeitures and penalties incurred under this act may be recovered in any court having cognizance thereof, and may be prosecuted in an action of debt before a justice of the peace if the sum does not exceed one hundred dollars.

Transfer shares

§ 10. The shares in said company may be transferred by assignment, and any subscriber to the capital stock of said company shall not be responsible beyond the actual amount of stock by him so subscribed, and said company shall have power to sue for and recover in any court having jurisdiction of the same, any sum or sums of money, or any installments thereof which may be subscribed as stock in said road and branches whenever default shall be made by the person or persons so subscribing in the payment of such stock or installments thereof, and no property shall be exempt from execution for the collection of such stock, anything in the law to the contrary notwithstanding.

APPROVED February 23, 1867.

In force Feb'y
23, 1867.

AN ACT to incorporate the trustees of the Peoria and Limestone Turnpike.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the persons and corporations who shall hereafter become stockholders, and the trustees appointed as herein provided are hereby made and constituted a body corporate and politic,*

Name and style

by the name and style of "The Trustees of the Peoria and

Limestone Turnpike," and as such corporation, may sue Powers. and be sued, contract and be contracted with, may make and use a common seal, and alter the same at pleasure. They may make by-laws for the government of their affairs, officers and agents, and have and enjoy all the rights and immunities, and be subject to all the liabilities of a body corporate and politic, for the purposes herein expressed.

§ 2. Jacob Darst, Isaac Brown, William M. Dodge, Commissioners. Washington Corkle, Joseph Collier, A. F. Lincoln, W. C. Barton, P. C. Merwin, Thomas Dobbins, Henry Bickerton, Adam Schall and C. Bontz, are hereby appointed commissioners to open books for subscription to the capital stock of said company, and as soon as may be convenient, after the passage of this act, they, or a majority of them, shall meet and proceed to determine the form of the subscription, and Stock subscrip- tion. shall thereupon designate the places where subscription books may be found, and as soon as subscriptions to the amount of two thousand dollars shall have been received, the commissioners shall convene a meeting of the subscribers at Meetings. such time and place as shall be designated by them, in a notice to be published in a daily newspaper published in the city of Peoria, at least one week prior to the time of such meeting. Each share of stock shall entitle the holder thereof to one vote in the election of trustees; and the first election shall be conducted according to the rules established by the said commissioners at such meeting; and on Trustees. the first Monday of January, in each year thereafter, there shall be elected five trustees, who shall be stockholders, and shall hold their office until their successors are elected and qualified; but a failure to elect trustees, as herein provided, shall not work a forfeiture of the franchises herein granted.

§ 3. The business and affairs of said corporation shall President. be conducted by the trustees, and they shall elect from their number a president, secretary and treasurer, to whom they may delegate such of their powers as they shall deem proper; and they may appoint other officers and agents Officers, etc. and prescribe their duties, and may require bonds, with or without security, from their officers, agents and employees, with such conditions as they shall require; and the said trustees may fill vacancies and remove any one of their Vacancies. number who shall be guilty of malfeasance in office or who shall have been convicted of crime. The treasurer shall keep a correct account of all moneys received and paid out by him, and he shall pay out no money [unless] by order of the trustees and then only upon a warrant drawn by the secretary and countersigned by the president. The said trustees By-laws. may make by-laws and establish rules for their government; and they shall at each annual meeting of the stockholders, make a report of their proceedings, including a statement of the finances, and cause the same to be printed for distribution along the line of the road of said corporation.

Capital stock.

§ 4. The capital stock shall be fifteen thousand dollars and shall be divided into shares of fifty dollars each, to be deemed personal property, and transferable, as such, on the books of the company subject to such rules as shall be established by the trustees; and a proper registry of the certificates issued shall be preserved by the directors. The trustees may declare forfeited any share or shares of the stock upon which there shall remain due and unpaid for sixty days any installment thereon. The amount received by the trustees upon the capital stock shall be expended in the construction and improvement of the road hereinafter provided for including the erection of the necessary toll houses.

Possession of
roads, etc.

§ 5. It shall be lawful for the said trustees to take possession of so much of the road or highway, commonly known as the Peoria and Fairview road, as is herein specified, namely: Commencing at the southern terminus of Washington street, at the city of Peoria, and running southerly on said road a distance not exceeding five miles, with a lateral branch, as follows: commencing at the point on the said Peoria and Fairview road where the road or highway commonly known as the Pekin road intersects the same, and running on said Pekin road a distance not to exceed two miles: *Provided, however,* that the majority of the board of supervisors of Peoria county shall consent to such possession and occupation as is herein provided; and to macadamize, gravel, clay, grade or otherwise improve the same, of such width as they shall determine, including necessary culverts, bridges and ditches, for a good and substantial carriage or wagon road or drive; and may maintain upon said road one or more toll gates the location of which they may change from time to time; and may charge and collect such rates of toll as the board of supervisors of Peoria county may determine and establish, for all vehicles or animals, driven or passing along the said road, or any portion thereof: *Provided, however,* that no tolls shall be taken or charged until at least the sum of two thousand dollars shall have been expended upon the said road. Whenever the said trustees shall file with the clerk of the county court of Peoria county a statement, in writing, signed by their president, verified by the affidavit of one of the trustees or agents of said corporation showing that such expenditure has been made. The said clerk shall thereupon issue his certificate of that fact, under the seal of his court, which shall be deemed and taken in all courts and places as evidence of the expenditure aforesaid.

Tolls.

Necessary real
estate.

§ 6. It shall be lawful for said corporation to purchase and hold so much real or personal property as shall be necessary for the procurement of materials for the construction and operation of said road, and may sell and dispose of the same, when the interests of the company may require.

§ 7. The said trustees shall employ all the money received upon the capital stock, in constructing and improving the road and in the erection of the necessary toll houses and bridges. All money received from tolls shall, after paying the necessary expense of collection and the needful repairs upon the road, be applied, as follows:

Disposition of funds.

First.—In paying to the stockholders a dividend of ten per cent. per annum upon the actual amount of money paid in upon the capital stock by them, respectively.

Second.—In refunding the balance to the stockholders, according to their several interests, until the whole amount paid in by them on the capital stock shall have been refunded; and thereupon, the certificate of stock shall be returned to the trustees, and shall be canceled: *Provided*, that none of the tolls shall be applied in refunding the amount paid on stock until the stockholders shall have received their dividends, as aforesaid. The certificates of stock shall contain, in substance, the provisions of this section, and they shall be noticed to all parties holding the same of the facts therein stated.

Proviso.

§ 8. When the whole amount of capital stock shall have been refunded, as provided in the foregoing section, the trustees shall make report of that fact, together with their other proceedings, during the current year, verified by the oath of their president and attested by the seal of the corporation, to the board of supervisors of Peoria county; and the said board of supervisors shall thereupon, and annually thereafter, appoint five trustees, who shall hold their office until the first Monday in January next, after such appointment, and until their successors are chosen and qualified. The said corporation shall continue in being, and the trustees so appointed shall exercise the powers and be subject to the provisions of this act contained, except as the same are modified by any subsequent section hereof.

Report of trustees.

§ 9. The trustees, so appointed by said board of supervisors, shall not be authorized to receive money on stock, nor issue any certificate therefor; but they shall apply all money received from tolls in paying the necessary expenses of collecting the same, and in keeping said road in good repair; and the tolls shall be fixed by them, as near as may be, so that no more money shall be received therefrom than shall be necessary to comply with the provisions of this section. The trustees, so appointed, may make said road free to the public during a portion of the year, if, in their judgment, the tolls received during the balance of the year will be sufficient to keep the same in good repair. They shall make report of their proceedings, annually, to the said board of supervisors; and they shall not be interested in any contract made with reference to said road.

Application of moneys received for tolls.

§ 10. Any person who shall break through, tear down, or destroy any gate, gate house or other erection of said

Penalties for injury to property.

corporation, or shall run through or pass by or around the same, for the purpose of avoiding the payment of toll, or shall open or construct any turnpike or passage around such gate, where vehicles or animals may pass, for the purpose of avoiding the payment of toll on said road, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace in Peoria county, be punished by a fine not less than ten dollars nor more than one hundred dollars. Said corporation may, also, have and maintain an action against any such person in any court of competent jurisdiction, to recover a penalty of twenty-five dollars for each and every violation of the provisions of this section, or the said corporation may have and maintain an action of trespass, to recover against any such person or persons so offending double the amount of the actual damage sustained by reason of such wrongful act.

Witnesses.

§ 11. No person shall be disqualified from testifying in any cause arising under section ten of this act by reason of interest in said company.

Assessments.

§ 12. No road or other public money shall be levied or assessed, to be expended on the said road or any portion thereof, and no horse railroad company shall be permitted to occupy said road or any portion thereof.

§ 13. This act shall be deemed a public act, and shall take effect from and after its passage.

APPROVED February 28, 1867.

In force March 5, 1867. AN ACT to amend an act entitled "An act to incorporate the Illinois and Indiana Turnpike Company."

Preamble.

WHEREAS, the Illinois and Indiana Turnpike Company on or about the second day of June, A. D. 1865, fixed the northern terminus of their carriage road at the point of intersection of the southern boundary of the city of Chicago with Lake avenue, near the Lake shore, and the southern terminus at the intersection of the west line of the state of Indiana with the road known as the old Chicago and Indiana Lake Shore Road, and also located their said carriage road over so much of the distance as lies between the termini so fixed and between the northern terminus of the same and Elm street, in the town of Hyde Park, and along and upon the highway and the full width thereof, known as Lake avenue, Calumet avenue and Washington street; and, whereas, said company desire to change their said termini and location; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said company are hereby authorized to change the location of said road so that the same shall be over, upon and along Cottage Grove avenue and the full width thereof from the point where said Cottage Grove avenue intersected the south line of the city of Chicago at the time of the location of said road on Lake avenue as aforesaid, to the intersection of said avenue with the track of the Michigan Central railroad company near the southwest corner of Oakwood cemetery; and the said company are hereby authorized to widen said avenue for the said road to a width not exceeding one hundred and fifty feet as they shall determine, and for that purpose may take and appropriate a sufficient strip, on one or both sides of said avenue or carriage road, to make the same of the determined width; and in case they shall be unable to procure such strip or strips by purchase or otherwise, they shall be authorized to obtain the same by condemnation under and by virtue of any laws of the state of Illinois authorizing the condemnation of lands for public improvements.

Change of location.

§ 2. The said company are hereby authorized to locate, maintain and operate one or more branches to their said road and connecting with the same, of such width as they shall determine: *Provided*, no branches running in an easterly direction from the main carriage road shall connect therewith at a point north of the north line of said Oakwood cemetery, and may extend their main road and branches from time to time as they shall determine; and for the extension of said carriage road, the location and construction of such branches, they may possess and occupy any road, street or highway that they may determine upon, and may pass over, upon and along any lands or other places, whether of a public or private character, and in case private lands can not be obtained for such extension or the location of such branches, the same may be taken under and by virtue of any law of this state authorizing the condemnation of property for public improvement.

Branches.

§ 3. This act shall be a public act, and be in force from and after its passage.

APPROVED March 5, 1867.

AN ACT to incorporate the Waterloo, Columbia and Mississippi Turnpike and Ferry Company. In force March 6, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles Friek, Charles H. Heer, Hubert Kuenester, Valentine
Vol. III—68

Name and style.	Briegel, Joseph W. Drury, Lafayette Warnock and John Gundlach, and their successors in office as directors, and such other persons and corporations as may become stockholders be and are hereby declared a body corporate, by the name of the "Waterloo, Columbia and Mississippi Turnpike and Ferry Company," and as such shall have perpetual
Corporate powers.	succession, keep an office and corporate seal, alterable at will ; and by and through said directors in such corporate name shall have power to sue and be sued, plead and be
Business powers.	impleaded, in all courts of law and equity ; to build a turnpike road of suitable dimensions and character from Waterloo, Illinois, upon the most suitable route, through Columbia, Illinois, to any point at or near the Mississippi river opposite Carondelet or St. Louis, Missouri ; to take, condemn and use such land for right of way and Ferry privilege as may be needed, paying the owners thereof, all damages duly assessed ; to take, hold, convey, assign and transfer property, real, personal and mixed ; to erect and keep suitable toll gates on said road upon any completed part exceeding one mile in length, and charge and collect thereat such tolls as said directors may establish, not exceeding a rate proportioned to five cents per mile for every two horse, ox or mule team and vehicle ; to employ and compensate all necessary officers agents and attorneys ; to contract and be contracted with ; to make and alter all needful rules, regulations and by-laws for their government and procedure, and for carrying these powers into effect ; and generally to do all lawful acts necessary to accomplish the ends of the corporation and the completion of said road. When the term of office of said directors shall cease and thereafter, directors shall hold their offices for one year.
Vacancies.	§ 2. All vacancies in said board of directors by death, resignation, removal or otherwise, shall be filled by appointment of the county court of said Monroe county at the first special or general term thereof after such vacancy
Bonds of directors.	occurs ; and every director before entering upon his duties as such shall enter into bonds, with approved security, to the judges of the county court of said Monroe county, and their successors in office, in such sums as they may order, not exceeding \$200,000, conditioned, that he will faithfully perform all the duties of his office, properly disburse and account for all moneys and effects of the company coming to his hands ; make or cause to be made a true and faithful exhibit of the finances, books, papers and vouchers of the corporation to said county court at every regular term thereof ; suffer no county bonds issued to the company to be sold be the directors for less than eighty per cent. of their par value ; to charge and receive no compensation for personal service as such director, and to share in no profits derived directly or indirectly from any contract under this charter ; and for any breach of said bond, it shall be the
Duties of.	

duty of said judges, or either of them, to put the same in suit at the first term of the circuit court of said county thereafter, or at any subsequent term, and all damages or debts recovered therefrom, shall by the said county be applied to the payment of the debt and interest hereinafter named. Penalties, etc.

§ 3. The capital stock of said company shall be ninety thousand dollars, and may be increased to one hundred and fifty thousand, if found necessary, and shall consist in fifty dollar shares, assignable and transferable, as personal property; and immediately upon this bill becoming a law the directors shall open books for subscription thereto, but no contract shall be let nor work done until eighty thousand dollars stock shall be subscribed for and taken. Such shares shall be payable in such installments, not exceeding fifty per cent. thereof, as the directors may determine. Capital stock.

§ 4. As soon as this bill shall become a law, the county court of Monroe county, at a special term for that purpose holden, shall, in manner and form as under the general election laws of this state, order an election in the several precincts of said county, appointing judges and clerks of the same, and shall order the county clerk to give twenty days' notice thereof in usual form, and to furnish and distribute poll books; and the court shall make such other orders in the premises necessary to secure a full and fair vote of the legal voters of said county, excepting such as may reside in the American Bottom, who are hereby excluded from voting at said election upon the proposition of levying a tax for building said turnpike; and the ballots at said election, which shall in all other respects be conducted as general elections of this state, shall be "For the turnpike," and "Against the turnpike;" and upon the return of the poll [books] to the office of the clerk of the county court, the votes shall be canvassed in the usual manner, and the result certified by the county clerk to a special term of the county court, for that purpose holden; and if a majority of the votes cast be "For the turnpike," the said county court shall subscribe stock and levy a tax for building said road, as hereinafter provided. Election on the proposition to levy taxes, etc.

§ 5. As soon as it shall be by the clerk certified to the said county court, that the proposition to subscribe stock and levy a tax for building said road has been carried in manner and form specified in section four hereof, said court is hereby authorized and shall subscribe for and take not less than eighty thousand dollars, or sixteen hundred shares, nor more than one hundred thousand dollars, or two thousand shares of stock in said company, when required by said directors, and for this purpose said directors, on the first or any subsequent day of the next or any subsequent general or special term of said court, shall present, in open court, the subscription books of the company, and there, Amount of stock shares.

upon the county court shall issue and deliver to the directors, in such sums and at such times as they may require, county bonds of not less than five hundred dollars denomination each, payable to and assignable by the directors, as they in their by-laws shall direct; the bonds to draw ten per cent. interest per annum, payable annually upon severable coupons attached to each bond, and four thousand dollars of the bonds shall be made payable on the first day of July, two years after the completion of the road; five thousand dollars payable July the first, one year thereafter; six thousand dollars, July first, one year thereafter; seven thousand dollars, July first, one year thereafter; eight thousand dollars, July first, one year thereafter; nine thousand dollars, July first, one year thereafter; ten thousand dollars, July first, one year thereafter; ten thousand dollars, July first, one year thereafter; eleven thousand dollars, July first, one year thereafter; and for the payment of said bonds and interest, the county court shall levy and collect a tax, not exceeding two dollars on every one hundred dollars' worth of taxable property, real and personal, in said Monroe county, exempting, however, all the taxable property, real and personal, in the American Bottom: *Provided*, that all tracts assessed in one description, lying partly in the bottom, but mostly on the hills, shall not be exempt; and said tax shall be levied and collected in money, at the same time and in the same manner that state and county taxes are levied and collected. The county clerk, for computing and extending said tax upon the collector's book, shall receive one-half cent per tract, lot and person, and no more; and the collector and treasurer shall each receive one-half per cent. for collecting and paying over the same, all to be paid out of the county treasury. Said tax shall cease when the said debt and interest are paid.

Taxes.

Letting of buildings.

§ 6. When eighty thousand dollars of said stock shall be subscribed and taken, the directors shall proceed to let out the building of the whole of said road, to the lowest responsible bidders, reserving the right of refusal, however, in contracts of not more than one mile in length, the grading, paving, macadamizing and finishing of said turnpike, taking from such bidders bond and security for the completion of their several contracts.

§ 7. As soon as this bill shall become a law, the directors are hereby authorized to negotiate with the present stockholders of the so-called Waterloo and Carondelet Turnpike and Ferry Company for the transfer and assignment to this corporation of all the stock, road, right of way and ferry privileges and property of whatever kind appertaining to the full use of the same, in manner and upon such terms as the directors may deem best.

§ 8. All tolls and all other funds of said company shall be used in paying said debt and interest, and in keeping the road, toll-gates and other appurtenances thereof in good repair; and after the said debt and interest are all paid, the directors shall so regulate the tolls as to raise an income amply sufficient to keep the road and appurtenances in excellent repair, and no more.

§ 9. This act to be a public act, and to be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to authorize the incorporation of Unitary Homes.

In force Feb'y
25, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That when* any five or more persons, citizens of the United States and state of Illinois, shall associate for the purpose of building Unitary Homes, or a Unitary Home, any where in said state, and shall file in the office of the secretary of state, and, also, in that of the recorder of the county in which said homes or home is to be erected, a certificate stating the purposes and name by which such association shall be known, and fulfilling any other legal requirements, shall, with their associates and successors, and all such persons as may become stockholders in the company hereby created, shall be a body politic and corporate; and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary officers and assistants, and may have and enjoy and exercise all the powers necessary to carry out and execute the purposes and intents of a Unitary Home.

Requirements.

Corporate powers.

§ 2. A majority of the corporators named in such certificate may proceed to open books for subscriptions to the stock of said company; and when sufficient stock shall have been obtained, shall designate a time and place for the first election of directors of said company, and each share of stock so subscribed shall be entitled to one vote.

Stock subscription.

§ 3. The capital stock of said company shall be two hundred thousand dollars, with power to increase the same as the wants of the company may require, to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company, and shall be divided into shares of one hundred dollars each; which shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe: *Provided*, that no person shall hold by subscription, purchase or otherwise, more than forty shares of said stock.

Capital stock.

§ 4. The said corporation shall have power to borrow money, the amount of which added to the stock subscribed,

Indebtedness.

shall not exceed four thousand dollars to each stock holder, and may secure the payment of the same by mortgage or other securities.

Hold property. § 5. Said company may purchase and hold such real estate or personal property as may be necessary for the successful prosecution of their business, with power to convey the same.

Election of officers. § 6. The affairs of this company shall be managed by a board of directors not less than five in number. The directors shall be elected by the stockholders, at such time and place, and in such manner as the by-laws shall direct. The directors shall be elected annually, but any failure to elect directors shall not impair their power to hold over, or the rights of the stockholder or others interested.

Restaurant privileges. § 7. Said corporation shall have power to connect with each unitary home, a public restaurant, laundry, bath house, library, and such other co-operative movements as may lighten the labors of the home.

By-laws, etc. § 8. The stockholders shall have power to frame by-laws for the election of all officers and agents of said company, and for regulating the operations of said company, and to alter the same as may be provided in said by-laws: *Provided*, that the same shall not be inconsistent with the laws or constitution of this state or of the United States.

§ 9. This act shall be in force from and after its passage.
APPROVED February 25, 1867.

In force. May 6, 1867. AN ACT to incorporate the East St. Louis Elevator Warehouse Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That E. B. Gage, F. H. Piper, George Eisenmeir, H. C. Cole, Robert Hoxey, Andrew Eisenmeir, E. Dodge, William Middlesworth, Sharon Tyndale, Ernst Wider, Simon W. True, Thomas W. Harris, H. C. Yeager, Henry R. Whitmore, Almeron Wheat, James Taylor, and George Edmunds, jr., and such other persons as they may associate with them, be and they are hereby created a body politic and corporate, by the name and style of "The East Saint Louis Elevator Warehouse Company;" and, by that name and style, they, their associates, successors and assigns, shall have perpetual succession; and may have and use a common seal, may alter the same at pleasure, contract and be contracted with, sue and be sued, defend and be defended, plead and be impleaded, in all courts and places.

Name and style

Powers.

Capital stock. § 2. The capital stock of said company shall be two hundred thousand dollars, and may, from to time, be in-

creased to any sum not exceeding one million of dollars, and shall be divided into shares of one hundred dollars each. Said company shall organize within six months after the passage of this act by electing five of their number directors, one of whom shall be chosen president. Said directors shall hold their offices for one year and until their successors are elected and qualified. At all elections after the first, each share of stock shall be entitled to one vote; and such elections shall be held annually, at such times as the directors shall direct by by-law. Said directors shall immediately open books at East Saint Louis, and such other places as they shall determine, for subscription to the stock of said company, and when one hundred thousand dollars shall be subscribed, and ten per cent. paid in, said company may commence the work of procuring grounds, erecting buildings and yards hereinafter mentioned.

Directors.

Subscriptions.

§ 3. Said company may appoint such other officers, agents or servants as the directors may deem necessary, and make such by-laws as they may deem necessary, not inconsistent with the laws of this state.

Officers, etc.

§ 4. This company shall have power to receive and hold all such real and personal property as may be necessary for the objects herein contemplated, not exceeding one thousand feet in front on the Mississippi river on Bloody Island, and of sufficient depth to fully carry into effect the objects of this act, not exceeding one thousand feet; also, all grounds on the main land within three miles of Bloody Island, which shall be necessary to the fully carrying out the objects of this act, and may rent or sell the same, or any part thereof, and may erect thereon a warehouse or warehouses, elevator or elevators, or yards, and operate the same; may extend such elevator or warehouse to the Mississippi river at the low water mark, or as far as the levee at East Saint Louis is allowed to extend into said river, for the purposes of a public warehouse and elevator; and may obtain such grounds upon which to erect the same, and, also, the right of way for railroad tracks there-to, by gift, purchase, devise or condemnation. In case said company, from any cause, are unable to agree with the owners of the grounds desirable and convenient for such purpose, to accommodate the public in the handling of grain and other property to be stored, said company may condemn such grounds or right of way for railroads herein contemplated, or grounds on which to place such elevators and warehouses, said company are hereby authorized to proceed and cause the same to be condemned under and pursuant to any law of this state relating to obtaining the right of way or depot grounds by any railroad or public work by virtue of any law of this state authorized to condemn property for such purposes of railroad depots or public works.

Power to hold
real estate.

Warehouse, etc.

Right of way.

Authority to lay
R. R. tracks.

§ 5. Said company are hereby authorized to locate, construct and operate a railroad from the track of each railroad leading to East Saint Louis to said warehouses and elevators herein contemplated. Said company shall keep an office at East Saint Louis; shall commence the work contemplated by this act within six months, and within a reasonable time thereafter furnish all the warehousing facilities the public business at that point shall require; but should said work be restrained by injunction, the time such work shall be enjoined shall not be considered or taken as a part of the reasonable time within which such facilities for warehousing are to be furnished by said company to the public.

Limitation
time. of

Duties of the
company.

§ 6. This corporation is hereby constituted a public warehouse company, and shall, at all times, after commencing business, receive in store all goods, wares, merchandise, grain, or other commodities, as well as all stock consigned to said company, and provide properly for the care, preservation and storage thereof, and may sell or forward the same, as they may be desired or directed to do by the proper parties, on such terms and conditions as they shall prescribe, subject to any general law of this state relative to warehouse men; which terms shall be the same upon like commodities, whether received by railroad, river or otherwise: *Provided*, said company shall not be required to receive property for storage, when their warehouse shall be full. Said company shall provide sufficient accommodation to store the grain sent to that market, as fast as the same may be required, taking reasonable time for the construction thereof. Should any condemnation of the right of way or grounds for warehouse or elevator be appealed from, such appeal shall not delay the work of construction, but said company may proceed with their work, upon depositing the amount awarded the owner of the land upon such condemnation with the clerk of the court in which said condemnation is made; and such work shall not be delayed by injunction, unless such injunction is issued by the United States court or ordered by a judge of the circuit or supreme court.

Proviso.

Grain receipts.

§ 7. Said company shall upon the request of the owner of any property received by them, issue a warehouse receipt therefor, and, if grain, shall designate the quantity, kind and condition, as also the grade of such grain; which receipt shall be evidence of the facts therein stated in any suit relating thereto. Said company may mix grain of the same kind and grade belonging to different parties, but shall not mix grain of different kinds or grades. Said company may, whenever it is necessary for the preservation of the grain or to prevent damage thereto, handle it over, change from bin to bin, or clean the same, at the expense of the owner, charging only a reasonable compensation

therefor, but shall not change the grade of grain thereby. It is hereby declared a misdemeanor for said company to mix grain of different kinds or grade; and the officer, agent or servant of said company, knowingly guilty thereof, shall, on conviction, be fined in a sum not less than one hundred dollars nor more than five thousand dollars. Said company shall, on Monday of each week, cause to be posted in some conspicuous place in said warehouse a statement, showing the amount of each kind and grade of grain received during the preceding week, the names of persons to whom receipts are issued, the numbers of such receipts, the amounts and grades of grain for which issued, the amount of grain shipped during such week, and the amounts, kinds and grades of grain in store at the time of making such statement which statement shall be sworn to by some person having charge thereof. Making and swearing to any false statement shall subject the person making the same to all the pains and penalties of perjury. If said company shall neglect to make such statement, said company shall be subject to a fine of one hundred dollars, to be recovered in the name of the people of the state of Illinois, one-half to the use of the county of Saint Clair and the other half to the use of the informer.

Weekly
state-
ment.

§ 8. Any agreement upon the part of said company or any agent thereof with any inspector of grain or owner thereof, or between any inspector and owner of such grain or any other person, concerning the manner in which grain shall be inspected and graded, with intent to give any grain an improper grade or grade to which it does not belong, shall be a misdemeanor, and subject the parties thereto each to a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars, or to imprisonment in the penitentiary not less than one nor more than three years, or both, in the discretion of the court. All warehouse receipts issued during any one year shall be consecutively numbered, and no two receipts shall bear the same number nor shall any second receipt be issued for the same property while a former receipt is out for the same or any part thereof. Any violation of the foregoing provisions shall subject said company to the same penalties as provided in the last section for neglect to make and post statement, and shall subject said company to an action in favor of the party injured, for any damage sustained by reason thereof. Any willful violation of any of the provisions of this act, by said company, shall work an absolute forfeiture of the rights, privileges and immunities conferred by this act, and the franchises conferred shall become utterly void.

Fraudulent
agreements.

Forfeiture
of
charter.

§ 9. This act shall be deemed a public act, and take effect and be in force from and after its passage: *Provided*, that no more than five hundred feet in front on the Mississippi river shall be condemned and: *Provided*, said com

Proviso in re-
gard to ground
condemned.

pany shall not condemn any part of the macadamized or paved levee in front of East Saint Louis, between the north end of the made levee and a point four hundred feet south of Dyke Avenue.

APPROVED March 6, 1867.

In force March 6, 1867. AN ACT to incorporate the East Burlington Elevator and Stock-yard Company.

Name and style
Powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hugh L. Thomson, Robert S. McAllister, Alexander S. Thomson, B. T. O. Hubbard, Harry F. McAllister and William P. Peirce and such other persons as they may associate with them, be and they are hereby created a body politic and corporate, by the name and style of the "East Burlington Elevator and Stock Yard Company," and by that name and style thereof, their associates, successors and assigns shall have perpetual succession; may sue and be sued, defend and be defended, plead and be impleaded in all courts and places whatever, and shall possess and enjoy all the powers, privileges and immunities incident to corporations, for the purposes herein enumerated; and may have and use a common seal, which they may alter at pleasure.

Capital stock.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, but may be increased by a vote of the stockholders, representing a majority of the capital stock, from time to time, as necessity may seem to require. It shall be divided into shares of one hundred dollars each; and said company may organize when twenty thousand dollars of the capital stock shall have been subscribed.

Directors.

§ 3. The affairs of the corporation shall be managed by a board of five directors, who shall be elected annually, and continue in office until others are chosen in their place. The corporation through its board of directors, shall have power to make such by-laws as they may deem proper, not inconsistent with the constitution of the state of Illinois and of the United States.

Business powers, etc.

§ 4. Said corporation shall have power to purchase, lease, or acquire, hold and convey all such real estate or personal property as may be necessary to carry on their business transactions, as well as such real estate or personal property necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property as the interests of the corporation require, and may erect thereon an elevator or elevators, warehouse or warehouses, stock yard or yards, and operate the same; may extend such elevator or warehouse to the Mississippi river

at low water mark or as far as the levee at East Burlington is allowed to extend into said river for the purposes of a public elevator and warehouse and may obtain said grounds upon which to erect the same, and also the right of way for railroad tracks thereto, by gift, purchase, devise or condemnation. In case said company, from any cause, are unable to agree with the owners of ground desirable and convenient for such purposes, to accommodate the public in the handling of grain and other property to be stored, said company may condemn such ground or right of way for railroads herein contemplated, or ground on which to place such elevators or warehouses or to establish such stock yards, said company are hereby authorized to proceed and cause the same to be condemned under and pursuant to any law of this state relating to obtaining the right of way or depot grounds, by any railroad or public work by virtue of any law of this state authorized to condemn property for such purposes of railroad depots or public works.

§ 5. Said company are hereby authorized to establish, locate, construct, and operate a stock yard within a convenient distance of the public landing at East Burlington, not to exceed one mile from said landing, and shall have all the powers and be subject to all the restrictions and limitations in relation to the construction and operation thereof, contained in the grant to the "Union Stock Yard and Transit Company of Chicago," by an act incorporating the same, approved February 13, A. D., 1865.

Location of
yards.

§ 6. This corporation is hereby constituted a public warehouse and stock yard company and shall at all times after commencing business receive in store all goods, wares, merchandise, grains, or other commodities, as well as stock consigned to said company, and provide properly for the care, preservation and storage thereof, and may sell or forward the same as they may be desired, or directed to do by the proper parties, on such terms and conditions as they shall prescribe, subject to any general law of this state relative to warehousemen or stock yards, and they are hereby authorized to make, execute, and issue, in the transaction of their business, all necessary receipts, certificates and contracts in [such] manner and under such regulations as their by-laws may prescribe, and shall have power to engage in the transportation of freight, by water, or otherwise, and may cause the property deposited or stored with them, or intrusted to them for transportation, to be insured at the request of any consignor.

Business opera-
tions.

§ 7. Any willful violation of any of the provisions of this act by the company hereby created shall work an absolute forfeiture of all the rights, privileges and immunities conferred by this act, and the franchises hereby conferred, shall become utterly void.

Penalties, etc.

§ 8. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED March 6, 1867.

In force March 6. 1867. AN ACT to incorporate the Delta Elevator and Warehouse Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* W. W. Thornton, Alexander H. Irvin, H. Watson Webb, David T. Linerger, Patrick H. Pope, Joseph B. Cleaver, and such other persons as they may associate with them, be and they are hereby created a body politic and corporate by the name and style of "The Delta Elevator and Warehouse Company;" and by that name and style, they and their associates, successors and assigns shall have perpetual succession and have and use a common seal; may alter the same at pleasure, contract and be contracted with, sue and be sued, defend and be defended, plead and be impleaded, in all courts and places.

Name and style

Powers.

Capital stock.

President and directors.

Stock subscription.

Officers, etc.

Business powers.

§ 2. The capital stock of said company shall be two hundred thousand dollars, and may, from time to time, be increased to any sum not exceeding the sum of one million dollars, and shall be divided into shares of one hundred dollars each. Said company shall organize by electing five of their number directors, one of whom shall be president; said directors shall hold their office for one year, and until their successors are elected and qualified. At all elections after the first election held under this act, each share of stock shall be entitled to one vote, and such elections shall be held annually, at such times as the directors shall, by by-law, direct; said directors shall open books at the city of Cairo, and such other places as they shall determine, for subscriptions to the stock of said company, and when one hundred thousand dollars shall be subscribed and ten per cent. paid in, said company may commence the work of procuring grounds and erecting buildings, as hereinafter provided.

§ 3. Said company may appoint such other officers, agents or servants as the directors may deem necessary for carrying into effect the provisions of this act, not inconsistent with the laws of this state.

§ 4. This company shall hold such real estate, not exceeding five hundred feet in front on the Ohio or Mississippi river, and of a sufficient depth to carry into effect the provisions of this act, the same to be situated north of Thirtieth street, in the first addition to the city of Cairo: *Provided*, that nothing in this act contained shall authorize the condemnation of any ground south of the limits fixed by this section, nor any ground within the outer or river line of the top surface of the levees surrounding the city of Cairo, as now incorporated, whether as now constructed or hereafter to be constructed under and by virtue of existing agreements between the trustees of the Cairo city property and the Illinois Central railroad company, nor any street in

said city, nor to impair or cut said levees; and may erect upon such real estate, a warehouse or warehouses, elevator or elevators, and operate the same; may extend such elevator or warehouse to the Ohio or Mississippi river at low water mark, or so far as the levee around the city is allowed to extend into said river, for the purposes of a public warehouse and elevator, and may obtain said grounds upon which to erect the same; and also, the right of way for railroad tracks thereto, by gift, purchase, devise or condemnation, and shall hold and enjoy all such personal estate as may be necessary for carrying out the objects herein contemplated. In case said company is from any cause unable to agree with the owners of grounds desirable and convenient for such purpose to accommodate the public by facilitating the cheap and speedy handling of grain and other property to be stored, or transferring the same from one mode of conveyance to another, said company shall be and is hereby empowered to condemn such grounds or rights of way for railroads herein contemplated, or grounds on which to place such elevators and warehouses. Said company is hereby authorized to proceed and cause the same to be condemned under and pursuant to any law of this state relating to the obtaining of the right of way for depot grounds by any railroad or public work, by virtue of any law of this state, authorized to condemn property for such purpose of railroad depots or public works.

§ 5. Said company is hereby authorized to locate, construct and operate a railroad from the track of any railroad now terminating or to hereafter terminate at said city, to said warehouses or elevators herein contemplated. Railroad privileges.

§ 6. This corporation is hereby constituted a public warehouse and elevator company, and shall at all times, after commencing business, receive in store all goods, wares and merchandise, grain or other commodities, and provide properly for the care, preservation and storage thereof, and may sell, forward or transfer the same, as it may be desired or directed to do by the proper parties having control over the same, on such terms and conditions as said company shall prescribe, subject to any general law of this state relative to warehousemen, which terms shall be the same upon all commodities, whether received by railroad, river or otherwise: *Provided*, said company shall not be required to receive property for storage when its warehouse shall be full. Said company shall provide sufficient accommodation to store grain sent to market, as fast as the same may be required, after the construction of the elevators and warehouses herein contemplated. Should any condemnation of the rights of way or grounds for warehouse or elevator be appealed from, such appeal shall not delay the construction, but said company may proceed with its work. Business.

upon depositing the amount awarded the owner of the land, upon such condemnation, with the clerk of the court in which such condemnation is made.

Warehouse receipts.

§ 7. Said company shall, upon request of the owner of any property received by it, issue a warehouse receipt therefor, and if grain, shall designate the quantity, kind and condition, as also the grade of such grain; which receipt shall be evidence of the facts therein stated, in any suit relating thereto. Said company may mix grain of the same kind and grade belonging to different parties, but shall not mix grain of different kinds or grades. Said company may, whenever it is necessary for the preservation of the grain, or to prevent damage thereto, handle it over, change from bin to bin, or clean the same at the expense of the owner, charging only a reasonable compensation therefor; but shall not change the grade of grains thereby. It is hereby declared a misdemeanor for said company to mix grain of different kinds or grades; and the officer, agent or servant of said company, knowingly guilty thereof, shall, on conviction, be fined in a sum not less than one hundred nor more than one thousand dollars.

Monthly statement.

Said company shall, on the first Monday in each month, or more frequently, if practicable, cause it to be posted in some conspicuous place in said warehouse or elevator, a statement showing the amount of each kind of grain, together with its grade, received during the preceding months, the names of persons to whom receipts were issued, the number of such receipts, and the grades of grain for which issued, the amount of grain shipped during said period, and the amount, kind and grade of grains in store at the time of making such statement; which statement shall be sworn to by some person having charge thereof. Making and swearing to any false statement shall subject the person making the same to all the pains and penalties of perjury. If said company shall neglect to make such statement, said company shall be subject to a fine of one hundred dollars, to be recovered in the name of the people of the state of Illinois, one-half to the use of the informer, and the balance shall be paid into the city treasury of the city of Cairo.

Agreements.

§ 8. Any agreement on the part of said company or any agent thereof, with any inspector of grain or owner thereof, or between any inspector and owner of such grain, or any other person, concerning the manner in which grain shall be inspected and graded, with intent to give any grain an improper grade, or a grade to which it does not belong, shall be a misdemeanor, and the parties thereto shall be subject to a fine of not less than one thousand dollars each, nor more than five thousand dollars, or by imprisonment in the penitentiary for a term not less than one year nor more than five years, or both, in the discretion of

the court. All warehouse receipts issued during any one year shall [not] bear the same number, nor shall any second receipt be issued for the same property, while a former receipt is out for the same or any part thereof. Any violation of the foregoing provisions shall subject the company to the same penalties as provided in the last section for neglect to make and post statement, and shall subject said company to an action in favor of the party injured, for any damage sustained by reason thereof. Any willful violation of any of the provisions of this act, by said company, shall work an absolute forfeiture of the rights, privileges and immunities conferred by this act, and the franchises conferred shall become utterly void.

Penalties for violation of provision of act.

Forfeitures.

§ 9. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED March 6, 1867.

AN ACT to amend an act entitled "An act to incorporate the "Springfield Water Works Company," approved February 21, 1861. In force Feb'y 19, 1867.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of commissioners shall have power to borrow, from time to time, as they and the city council shall deem expedient, a sum not exceeding two hundred and fifty thousand dollars, in addition to the amount already authorized to be borrowed by the act to which this is an amendment. The said commissioners, by and with the approval of the city council of said city, shall have power to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be issued under the corporate seal of the city of Springfield and signed by the mayor and comptroller, and may be made payable at such place and in such manner as they shall deem expedient, and bear interest not exceeding eight per cent. per annum: *Provided, however,* that no bonds shall be issued until the city council shall have approved of such issue by a vote of a majority of all the aldermen by law authorized to be elected.

Commissioners to borrow money.

To issue bonds.

§ 2. Said commissioners shall have power to build a dam across the Sangamon river or such aqueducts into such river at such point as they shall deem most convenient and desirable, and to make all necessary excavations and to erect all necessary buildings at the said river, and to condemn land for that purpose, and to procure the right of way from such point as they shall agree upon at said river, across all lands between the same, and such parcels of land

Dam across the Sangamon river

as they shall fix upon at the city of Springfield, for the laying down of all necessary pipes, and for such purpose they shall have the right to take and condemn private property, and may also take and condemn private property for a roadway along the line of their water pipe.

Repeal of acts.

§ 3. All acts or parts of acts heretofore in force and inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1867.

In force Feb'y 28, 1867. AN ACT to incorporate the Chicago Weighing and Measuring Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Jonathan W. Tuttle, Thomas N. Bond, Charles E. Chase, William S. Brewster, Andrew Anderson, and all other persons who may hereafter associate with them, shall be and are hereby declared a body politic and corporate by the name of "The Chicago Weighing and Measuring Company," and by that name may contract and be contracted with, sue and be sued, defend and be defended in any and all courts.*

Powers.

§ 2. The corporation hereby created shall have power to issue certificates of indemnity against loss from the short delivery of all kinds of grain, flour, beef, pork, lard and all other articles transported by railroads, lakes, rivers, canals, or by any other mode of transportation where a contract or bill of lading has been or will be issued for the delivery of each or any of the within specified articles.

Officers, etc.

§ 3. All the corporate powers of the said company shall be exercised by a board of directors and such officers and agents as they may appoint.

Government.

§ 4. The board of directors shall consist of five persons, and those named in this act shall constitute said board, who shall be a quorum for the transaction of business, and who shall be such quorum until otherwise provided by by-laws, and may, from time to time, make due provision in said by-laws for increasing the number of trustees as may be deemed proper for the extension of the business of the corporation.

Rates of indemnity.

§ 5. The directors shall determine the rates to be charged for indemnity as against loss, as provided in section 2 of this act.

Election of directors.

§ 6. The election of directors shall be held on the first Monday of April, A. D. 1868, and in each and every year

at such places in the city of Chicago as the board of directors shall designate.

§ 7. The directors shall elect from their number a president, secretary, treasurer, and an executive committee at the same time of the election of directors as provided for in section 6 of this act. Officers.

§ 8. The officers of said company shall cause, in January and July of each year, a balance to be struck of the affairs of the company, and shall decide on the amount of dividends to be declared out of the profits of the business of the preceding six months; but no dividends shall be declared out of the capital stock of said company. Semi-annual
balances.

§ 9. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

§ 10. The operations and business of this corporation shall be carried on in the city of Chicago, and at such other place or places as the directors shall select. Place of busi-
ness.

§ 11. This act shall take effect from and after its passage.

APPROVED February 28, 1867.

DEPARTMENT OF STATE, SPRINGFIELD, ILLINOIS,
August, 10, 1867.

I, Sharon Tyndale, secretary of state of the state of Illinois, do hereby certify that the foregoing printed laws are true and perfect copies of the enrolled laws on file in this office, with the exception of the words printed in brackets thus, [].

In testimony whereof I hereunto set my hand, the day and year aforesaid.

SHARON TYNDALE.
Secretary of State.



INDEX TO PRIVATE LAWS.

VOLUME III.

A

	PAGE.
Alton Sharpshooters' Society.....	93
Anna, to amend act incorporating town of ..	215
“ to vacate a certain alley in.....	107
Arlington, to vacate an alley in town of ..	111
Athens, to change name of town of	601
Atkinson, to incorporate town of.....	269
Augusta, to amend act incorporating town of	623
Augusta school district.....	29
Avon, to incorporate town of.....	442

B

Baden, to change name of town of.....	622
Baggage and Transfer Company.....	641
Batavia and Geneva, to construct side-walk in	104
Bates, to vacate town of.....	601
Bath, to amend act incorporating town of.	626
Belleville Sharpshooters' Society.....	90
Belvidere township, to extend time of collecting taxes in.....	121
Blandinsville school district, McDonough county.....	28
Bloomington, to divide into voting districts.....	619
Bloomington, public schools in.....	26
Boone county, to legalize a tax in.....	128
Bourbonais, to change name of town of..	247
Brighton, to incorporate town of.....	508
Buena Vista, War fund in town of	628
Bunker Hill, to amend act incorporating..	608
Bureau county, to annex certain sections in.....	631
Bushnell, town of, to aid T., P. and W. Railroad	127

C

Cahokia to lease part of village commons.	621
Camargo, to vacate certain streets, etc., in	101
Carmi, to incorporate town of.....	530
Carthage, to incorporate town of	429
“ to vacate certain alleys in	101
“ school district	41
Centreville, to vacate certain streets and alleys in.....	107
Champaign county, to legalize a certain tax in	113
Charleston Union school district.....	44
Chatsworth, to extend corporate powers of	206

PAGE.

Chicago, Father Matthew Temperance Society	130
Chicago Reform School	31
“ Soldiers' Home.....	81
“ Stage and Baggage Company ...	636
“ Sunday School Union.....	51
“ Truck Company	637
“ Tug Company.....	644
“ Weighing and Measuring Company	680
Cicero, to incorporate town of.....	385
“ bounty tax in town of.....	129
City Baggage and Transfer Company.....	641
Cleaverville, to vacate a street in	110
Clement, to incorporate town of.....	193
Colchester, to incorporate town of.....	552
Collinsville, to amend charter of town of.	452
Columbus, to amend charter of town of ..	610
Cook county, towns in, to levy special tax	122
Courtland, to amend act of incorporation.	602
Crotty, to amend charter of town of.....	177
Cumberland county to levy a special tax.	120

D

Davis Union School District.....	52
Dawson, to incorporate town of.....	473
Decatur School District.....	64
DeKalb, to amend act of incorporation ..	192
Delta Elevator and Warehouse Company.	676
Dement, to incorporate town of.....	142
Dock Company, J. L. Beirne.....	4
Dunton, to vacate street in town of.....	100
DuPage and Wilton, taxes in towns of...	117
Dwight township to levy a tax.....	126

E

East Burlington Elevator and Stock Yard Company.....	674
East Quincy, relating to streets in.....	112
East St. Louis Elevator Warehouse Company	670
East St. Louis Transfer Company	640
“ “ Turnverein.....	652
Edwardsville, to amend act of incorporation	515
Edwardsville to borrow money.....	585
Elevator and Stock Yard Company, East Burlington	674
Elevator and Warehouse Company, Delta East	676
“ “ “ St. Louis	670

	PAGE.
Elmwood, to incorporate town of	412
Erienna and Norman, to establish townships of	631
Evansville and Cairo Packet Company ...	84

F

Fairfield, to incorporate town of.	494
Fall Creek, war fund in town of.....	128
Father Matthew Total Abstinence Society	130
Fayette county, to annex certain territory in.....	616
Fayette county, War Bonds in, etc.....	115
Fielden, to amend charter of town of..	600
Flora, to incorporate town of	421
Fountain Green, volunteer bounty tax in town of, etc.....	116
Frankfort, to vacate part of town of	234
Freeburg, to amend town charter.....	201
Freeport School District	65
" Turnverein	651

G

Galesburg and West Galesburg, to divide towns of.....	411
Galva, to incorporate town of.....	570
Geneva, to incorporate town of.....	294
" to vacate a portion of town of...	619
Germania Sharpshooters' Society, of Breese.....	94
German Turner Association of Pekin.....	646
Gilman, to incorporate town of	235
Girard, to amend act incorporating town of.....	135, 467
Goodale, to change name of town of	622
Golconda, to amend town charter.....	621
Grafton Stone and Transportation Company	643
Greenbush School District, Warren co...	73
Greenfield, to incorporate town of.....	403

H

Hallock School District No. 6.....	43
Hauna, school powers in township of....	41
Hamilton county to levy a tax	114
Havana German School Association.....	37
Harvard, to incorporate town of.....	397
Hennepin, to amend act incorporating town of.....	167
Henry, to amend act incorporating town of	625
Heyworth School District	33
Hillsboro, to amend act incorporating town of.	275
Holidaysburg, to change name of town of	535
Hyde Park, concerning town of.....	344
" " Skating Company	80

I

Illinois and Indiana Turnpike Company..	664
" and Mississippi Stock Yard Company	97
Illipolis school district.....	35
Industry, to incorporate town of	611
Iroquois county, to attach certain ranges in	6, 632

J

	PAGE.
Jamestown, to change name of town of...	336
Jefferson, to incorporate town of.....	161
Jerseyville, to vacate a portion of town of	608
Jersey county to levy a special tax.....	118
J. L. Beirne Saw Mill and Dock Company.	4
Joliet Sharpshooters' Association.....	92

K

Kankakee City, to vacate part of River street in.....	107
Kankakee, concerning bridge across, at Aroma.	265, 627
Kankakee and Iroquois counties, to attach certain townships in.....	632
Kankakee, to legalize a tax in town of....	120
" School District.....	25
Kansas, to incorporate town of	365
Keokuk Junction, to incorporate town of.	240
Kewanee, town of, to issue bonds	132
Kickapoo Turnpike Company.....	654

L

Lacon Union School District.....	77
Lake county, change of townships in.....	635
" Michigan Steamboat Company.....	88
" to incorporate town of	228
Lamoille, to incorporate town of.....	485
Lemont, surplus bounty fund in town of..	42
Lexington, to extend corporate powers of	542
Logan county to levy a special tax.....	120
Louisville, to incorporate town of.....	223

M

Mackinaw, to incorporate town of.....	167
Madison county, to vacate certain streets in.....	110
Madison county to levy an additional tax.	129
" special tax in	123
Manteno, Union School District in.....	28
Marine, to incorporate town of.	479
Marion county, certain school directors in	79
" School District, Williamson county	23
Maroa, to incorporate town of.....	247
Marseilles, to incorporate town of.....	142
Mascoutah Turnverein	647
Mason, to amend charter of town of.....	600
McDonough county, to divide a certain school fund in	6
McDonough county, to levy a special tax.	126
" " Blandinsville School District in.....	28
McLean county, to legalize a certain assessment in.....	14
McLean county, towns in, to raise money	134
" " to annex certain townships in	632
McLeansboro, benefit of town of.....	617
Menard county, to attach certain lands in	32
Mendon, to incorporate town of	617
Meredosia, to incorporate town of.....	303
Middleton, to change name of town of....	524
Minonk, to incorporate town of.....	259
Mississippi and Illinois Transportation Company.....	639
Monticello Female Seminary.....	5

	PAGE.
Mount Pulaski, to vacate an alley in.....	110
“ “ to levy a special tax.....	121
Murrayville, to incorporate town of.....	289

N

Naperville, to vacate part of Court street in.....	109
Nauvoo, to vacate certain blocks, lots, etc., in.....	108
Nauvoo, graded schools in.....	58
Neponset, to extend corporate powers of town of.....	455
Newark, to incorporate town of.....	276
New Liberty, to vacate a portion of town plat.....	240
Niles, payment of town orders in town of.....	141, 596
Nilwood, to incorporate town of.....	448
Nokomis, to incorporate town of.....	602
Normal, to incorporate town of.....	321

O

Oconee, to incorporate town of.....	358
Odin, to amend act of incorporation.....	615
Ogle Station, to amend act of incorporation.....	354
Olney, graded schools in.....	39
Ornarga, to incorporate town of.....	175
Orangeville, to incorporate town of.....	536
Otterville, to incorporate town of.....	155

P

Packet Company, Evansville and Cairo...	84
“ “ St. Louis and Quincy..	86
Padua, special tax in town of.....	122
Palatine, Union School District No. 1, in.....	65
Panola, to incorporate town of.....	618
Paris, to amend act of incorporation.....	235
Pekin German Turner's Association.....	646
Peoria county, schools in township 8 in.....	36
“ city, special tax in.....	123
“ and Kickapoo Turnpike Company.....	654
“ and Limestone Turnpike Company.....	660
“ Turnverein.....	649
Peru Sharpshooters' Association.....	95
Petersburg, to vacate certain streets and alleys in.....	111
Petersburg, to amend act of incorporation.....	565
Polo school district.....	7
Pontiac Turnverein.....	645
Princeton, concerning town of.....	610
“ high school district.....	16
Proviso, to incorporate town of.....	391
Pulaski county to borrow money.....	115

R

Red Bud, to incorporate town of.....	376
Reform School, Chicago.....	31
Re-survey township 25 north, etc.....	628
Rock Island county, to unite certain townships in.....	25, 627
Rock Island county, to legalize a certain tax in.....	118
Rock Island German and English School Society.....	77

	PAGE.
Rock Island school district.....	23
“ “ Turngemeinde.....	648

S

Safe Deposit Company.....	1
Saw Mill Company, J. L. Beirne.....	4
Saybrook, to incorporate town of.....	148

SCHOOLS, ETC.:

Augusta school district.....	29
Blandinsville school district.....	28
Bloomington, public schools in.....	26
Carthage school district.....	41
Change boundaries of a certain school district.....	22
Charleston Union school district.....	44
Chicago Sunday School Union.....	51
Davis Union school district.....	52
Decatur school district.....	64
Define a certain school district.....	25
Freeport school district.....	65
Greenbush school district.....	73
Hallock, school district in.....	43
Hanna, school powers in township of.....	41
Havana German School Association..	37
Heyworth school district.....	33
Illioopolis school district.....	35
Kankakee school district.....	25
Lacon Union school district.....	77
Lemont, surplus bounty fund in.....	42
Manteno Union school district.....	28
Marion county, school directors in..	79
“ school district.....	23
Nauvoo, graded schools in.....	58
Olney, public and graded schools in..	39
Palatine Union school district No. 1..	65
Polo school district.....	7
Princeton High School district.....	16
Reform school, Chicago.....	31
Rock Island German and English School Society.....	77
Rock Island school district.....	23
Schools in township 8, Peoria county.....	36
School district in Bureau county.....	15
“ “ in McLean county.....	14
“ “ in McDonough county.....	6
“ “ in Menard county.....	32
To attach ranges 10 and 11, in Iroquois county.....	6
To divide the school funds in certain townships.....	50
To legalize a certain tax in township 16 south.....	40
To unite certain townships in Rock Island county.....	25
Secor, to incorporate town of.....	586
“ to vacate a certain alley in town of.....	586
Seminary, Monticello Female.....	5
Sheffield, to amend act of incorporation..	595
Sherman, to change name of town of.....	607
Sharpshooters, Alton.....	93
“ Belleville.....	90
“ Germania, of Breese.....	94
“ Joliet.....	92
“ Peru.....	95
Shipman, to incorporate town of.....	266
Sigel, to incorporate town of.....	158
Skating Association, Hyde Park.....	80
“ “ Washington.....	79
Soldiers' Home, Chicago.....	81
Sparland, to incorporate town of.....	337

	PAGE.
Spring Bay, to vacate certain blocks, alleys, etc., in.....	109
Springfield Turnverein.....	650
" Water Works Company.....	679
Stage and Baggage Company.....	636
St. Clair, to vacate certain streets, etc., in	103
Steamboat Company, Lake Michigan.....	88
Stock Yard Company, East Burlington...	674
" " Illinois and Missis-	
sippi	97
Stock Yard Company, Union, of Chicago.	100
Stone and Transportation Company.....	643
St. Louis and Quincy Packet Company...	86
STREETS, ALLEYS, ETC.:	
Anna, to vacate an alley in.....	107
Arlington, to vacate an alley in.....	111
Batavia, to construct a sidewalk in ..	104
Camargo, to vacate certain streets in.	101
Carthage, to vacate certain streets in.	101
Centerville, to vacate certain streets in.....	107
Cleaverville, to vacate a street in.....	110
Dunton, to vacate Robinson street in town of.....	100
East Quincy, streets in.....	112
Kankakee City, to vacate part of River street in.....	107
Madison county, to vacate certain streets in.....	110
Mount Pulaski, to vacate an alley in..	110
Naperville, to vacate a part of Court street in.....	109
Napvoo, to vacate certain blocks, lots, etc., in	108
Petersburg, to vacate certain streets, etc., in.....	111
Secor, to vacate an alley in town of..	109
Spring Bay, to vacate certain blocks, etc., in.....	109
St. Clair, to vacate certain streets, etc., in.....	103
To vacate certain alleys.....	100, 102
To vacate certain streets and alleys	102, 106, 111
Tuscola, to vacate certain streets in..	106
Upper Alton, to vacate a street in.....	106
Winnebago, to vacate certain streets in.....	102

T

Tamaroa, to amend act incorporating.....	598
Tampico and Jordan, bounty tax in towns of.....	119

TAXES:

Boone county to legalize a tax in.....	128
Bushnell, special tax in town of.....	127
Belvidere township, to extend time for collecting taxes in.....	121
Cicero, surplus bounty tax in town of	129
Cook county, towns in, to levy special tax	122
Cumberland county to levy special tax	120
DuPage and Wilton, to legalize certain taxes in.....	117
Dwight township to levy a tax.....	126
Fall Creek, taxes and war fund in town	128
Fountain Green, volunteer bounty tax in, etc.....	116
Hamilton county, to levy a special tax	114
Jersey county to levy a special tax...	118
Kankakee, to legalize a tax in town of	120

TAXES:

Logan county to levy special tax.....	120
Madison county, taxes in.....	123, 129
McDonough county to levy special tax	126
Mount Pulaski to levy special tax....	121
Padua, to levy special tax in town of.	122
Peoria, school inspectors of, to levy a tax.....	123
Rock Island county, to legalize a certain tax in.....	118
To repeal certain taxes in Kankakee county.....	627
To legalize a school tax in Champaign county.....	113
To legalize taxes and war bonds in Fayette county.....	115
Tampico and Jordan, bounty tax in..	119
Tiskilwa, to amend act incorporating town of.....	588

TOWNS:

Anna, to amend act of incorporation..	215
Athens, to change name of	601
Atkinson, to incorporate.....	269
Augusta, to amend act incorporating.	623
Avon, to incorporate.....	442
Baden, to change name of.....	622
Bates, act vacating.....	601
Bath, to amend act of incorporation..	626
Bloomington, to divide into voting districts.....	619
Bourbonnais, to change name.....	247
Brighton, to incorporate.....	503
Bunker Hill, to amend act incorporating.....	608
Carthage, to incorporate	429
Carmi, to incorporate	530
Cahokia, to lease commons	621
Chatsworth, to extend corporate powers	206
Cicero, to incorporate.....	335
Clement, to incorporate.....	193
Colchester, to incorporate	552
Collinsville, to amend charter.....	452
Columbus, to amend act of incorporation	610
Courtland, to amend act incorporating	602
Crotty, to amend charter.....	177
Dawson, to incorporate.....	473
Dement, to incorporate.....	142
DeKalb, to amend act incorporating..	192
Dunton, to vacate a street in.....	336
Edwardsville, to amend charter.....	515
Elmwood, to incorporate	412
Fairfield, to incorporate.....	494
Fielden, to amend act incorporating..	600
Flora, to incorporate.....	421
Frankfort, to vacate a part of.....	234
Freeburg, to amend charter	201
Galesburg and West Galesburg, to divide.....	411
Galva, to incorporate	570
Geneva, to incorporate.....	294
Gilman, to incorporate.....	235
Girard, to amend act of incorporation	135, 467
Goodale, to change name	622
Golconda, to amend charter	621
Greenfield, to incorporate	403
Harvard, to incorporate.....	397
Henry, to amend act incorporating..	625
Hennepin, to amend charter.....	167
Hillsboro, to amend act incorporating	275
Holidaysburg, to change name.....	535

TOWNS :

	PAGE.
Hyde Park, concerning.....	344
Industry, to incorporate.....	611
Jamestown, to change name.....	336
Jefferson, to incorporate.....	161
Jerseyville, to vacate a portion of....	608
Kansas, to incorporate.....	365
Keokuk Junction, to incorporate.....	240
Lake, to incorporate.....	228
LaMoille, to incorporate.....	485
Lanark, to incorporate.....	515
Lexington, to extend corporate powers.....	542
Louisville, to incorporate.....	223
Mackinaw, to incorporate.....	167
Marine, to incorporate.....	479
Maroa, to incorporate.....	247
Marseilles, to amend act of incorporation.....	142
Mason, to amend charter.....	600
McLeansboro, act for the benefit of...	617
Mendon, to incorporate.....	617
Meredosia, to incorporate.....	303
Middleton, to change name, etc.....	524
Minonk, to incorporate.....	259
Murrayville, to incorporate.....	289
Neponset, to extend corporate powers	455
Newark, to incorporate.....	276
New Liberty, to vacate part of town plat.....	240
Niles, payment of town orders in. 141,	596
Nilwood, to incorporate.....	448
Nokomis, to incorporate.....	602
Normal, to incorporate.....	321
Oconee, to incorporate.....	358
Odin, to amend act incorporating....	615
Ogle Station, to amend charter.....	354
Onarga, to incorporate.....	179
Orangeville, to incorporate.....	536
Otterville, to incorporate.....	155
Panola, to incorporate.....	618
Paris, to amend act of incorporation..	235
Petersburg, to amend act incorporating.....	565
Princeton, concerning corporate powers.....	610
Proviso, to incorporate.....	391
Red Bud, to incorporate.....	376
Saybrook, to incorporate.....	148
Secor, to incorporate.....	586
Sheffield, to amend act incorporating.	595
Sherman, to change name, etc.....	607
Shipman, to incorporate.....	266
Sigel, to incorporate.....	158
Sparland, to incorporate.....	337
Tamaroa, to amend act incorporating	598
Tiskilwa, to amend act incorporating	588
Upper Alton, concerning incorporation.....	620
Virden, to amend act incorporating..	514
Waverly, concerning incorporation...	371
Waynesville, to vacate a public square in.....	201
Wenona, to incorporate.....	310
West Lockport, to vacate town plat..	259
Wheaton, to amend act of incorporation.....	597
Whitfield, to change name.....	606
Wilson, to change name.....	266

TOWNS :

	PAGE.
Winchester, to amend charter.....	609
Xenia, to amend act incorporating....	168
Transfer Company, East St. Louis.....	640
Transportation Company, Mississippi and Illinois.....	639
Truck Company, Chicago.....	637
Tug Company, Chicago.....	644
Turnpike Company, Illinois and Indiana.	664
“ Peoria and Limestone	660
“ Waterloo, Columbus	665
“ and Mississippi....	665
“ from Barry to the	657
“ Mississippi river..	654
“ Kickapoo.....	654
“ Road and Ferry Company.....	653
Turnverein, East St. Louis.....	652
“ Freeport.....	651
“ Mascoutah.....	647
“ Peoria.....	649
“ Pontiac.....	645
“ Rock Island.....	648
“ Springfield.....	650
Tuscola, to vacate certain streets in.....	106

U

Union School District No. 5, Manteno....	28
“ “ No. 1, Palatine....	65
Union Stock Yard Company.....	100
Unitary homes, to incorporate.....	669
Upper Alton, concerning incorporation of	620
“ to vacate a portion of a street in.....	106

V

Vacate part of a town plat..	617
Vincennes Square Association.....	83
Virden, to amend act of incorporation....	514

W

Warren, town of, to issue bonds.....	134
Washington Skating Association.....	79
Waterloo and Carondelet Turnpike Company.....	653
Waterloo, Columbus and Mississippi Turnpike Company.....	665
Waverly, concerning incorporation of town of.....	371
Waynesville, to vacate a square in town of	201
Wenona, to incorporate town of.....	310
West Lockport, to vacate town plat of...	259
Wheaton, to amend act of incorporation..	597
Whitfield, to change name of town of....	606
Wilson, to change name of town of.....	266
Winchester, to amend charter of town of.	609
Winnebago, to vacate certain streets in..	102

X

Xenia, to amend act incorporating town of	168
---	-----













